ARCHIVES OF MARYLAND

XXXIII

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY

(12)

1717–1720

F
167
A67
vol. 33
rlc

ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

MAY, 1717–APRIL, 1720

PUBLISHED BY AUTHORITY OF THE STATE UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

CLAYTON COLMAN HALL
Editor

BALTIMORE
MARYLAND HISTORICAL SOCIETY
1913

The Lord Baltimore Press
BALTIMORE, MD., U. S. A.

Rooms of the Maryland Historical Society,

Baltimore, *September* 1, 1913.

To the Maryland Historical Society:

Gentlemen:

We have the honor to submit the Thirty-third Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from May 28, 1717, to April 22, 1720.

In consequence of the death, on December 13, 1912, of the late Dr. William Hand Browne, who was Editor of the Archives from the beginning of their publication in 1883, the present Volume has, under appointment by the Society, been edited by the chairman of this Committee.

Respectfully,

Clayton C. Hall,
Bernard C. Steiner,
Samuel K. Dennis,
Committee on Publication.

CONTENTS.

PAGE

PREFACE, - ix

SESSION MAY 28–JUNE 8, 1717.

Upper House Journal, - - - - - - - - - - - - - - 1
Lower House Journal, - - - - - - - - - - - - - - 51
Acts, - 107

SESSION APRIL 22–MAY 10, 1718.

Upper House Journal, - - - - - - - - - - - - - - 117
Lower House Journal, - - - - - - - - - - - - - - 199
Acts, - 287

SESSION MAY 14–JUNE 6, 1719.

Upper House Journal, - - - - - - - - - - - - - - 295
Lower House Journal, - - - - - - - - - - - - - - 363
Acts, - 459

SESSION APRIL 5–22, 1720.

Upper House Journal, - - - - - - - - - - - - - - 475
Lower House Journal, - - - - - - - - - - - - - - 563

INDEX TO NAMES OF PERSONS AND PLACES, - - - - - - - - - 645

TOPICAL INDEX, - - - - - - - - - - - - - - - - - - 655

LIST OF ACTS OF ASSEMBLY, - - - - - - - - - - - - - - 659

PREFACE.

The present volume contains the Proceedings and Acts of Assembly from 1717 to and including the session of April, 1720, which was the last held during the administration of Governor Hart. The record of the Proceedings is taken up at the point to which it was brought in Volume XXX.

The originals of some of the journals herein presented are missing from the State Archives, but, fortunately, of every one that is missing there is a duplicate in the collection of Calvert papers belonging to the Maryland Historical Society. These duplicates were made for the use and information of the Lord Proprietary in England, and were acquired by the Society among the Calvert papers purchased in 1888. The bound manuscript copies of the journals in the State Archives were found upon comparison with these originals to be defective, whole pages being omitted in places, as though the copyist had turned over two leaves together without observing the resulting hiatus. For the Proceedings printed in this volume the text of the journals contained in the Calvert papers has been followed where the originals were not to be found among the records belonging to the State, and the contents of missing leaves have been supplied from the same source. The Lower House Journal for the April Session of 1720 is from a fair engrossed, and certified, contemporary copy. The source from which the text is derived is printed at the head of each journal.

The object is to place before the reader in type precisely what is contained in the manuscript record, and therefore no corrections have been made of eccentricities of spelling, except in the case of obvious slips of the pen, such as writing *of* for *if*, or *on* for *one*. Omitted words, or such as are required to make the sense complete, when supplied by the Editor, are included in square brackets []. The omissions in one journal have in many cases been filled by reference to the corresponding record in the proceedings of the other house.

The Acts of Assembly herein contained are copied from Bacon's *Laws of Maryland at Large*, published in 1765, and therefore include only the public general laws that were then in force. Liber LL. No. 4

of the State Archives, which contained the record of the session laws, has long been lost.

The measures taken to secure the control of the Province in the "Protestant interest" and to exclude Roman Catholics from any participation in the government occupy considerable space in the records. John Hart had been appointed Governor of Maryland by the Crown, and was continued in that office when the government of the Province was restored to the Proprietary upon his professing adherence to the Church of England. Hart was ardent in his allegiance to the Hanoverian sovereigns and believed in the necessity of preserving the Protestant succession for the protection of England from foreign influence. To his mind no other attitude was consistent with loyalty. The Roman Catholics were in sympathy with the house of Stuart, and were suspected of sympathy with the French, with whom England had lately been at war, and whose encroachments upon the American continent were already causing apprehension to the English colonists. With views so antagonistic, Hart spoke with sincere conviction when he described Charles Carroll, the leader of the Roman Catholic faction in Maryland, as "an enemy of his country on principle."

Charles, Lord Baltimore, who came to the title in 1715, was a minor, and while he declared his intention "to live and die" in the Church of England, many of his near kinsmen were Roman Catholics, and his guardian, Lord Guilford, was of Jacobite sympathies and in after years was received into the communion of the Roman Catholic Church. Governor Hart had, moreover, a personal grievance against Mr. Carroll, growing out of a dispute over the custody of the Proprietary's Great Seal, and the enjoyment of the fees which were attached to it.

In these facts, rather than in differences of opinion upon religious questions, is to be sought the explanation of the legislation enacted to exclude the Roman Catholics from any possible share in the government, legislation which culminated in 1718 in the repeal of the Maryland Act, with its milder restrictions, in order to give full force to the harsher British Statutes "to prevent the growth of Popery"; and in a law directly depriving Roman Catholics of the right to vote for members of the Assembly—a law which was signed the day of its passage and promulgated the next day, so as to affect an election then pending in the City of Annapolis. In his speech to the Assembly in 1720, at the close of his administration, Governor Hart reviewed the claims of the Roman Catholics from his standpoint, and gave his construction of the charter of the Province as bearing thereon. In this address the

words "amused" and "amusements" (pages 483, 485, 572, 574) are used in the now obsolete sense of *beguiled* and *beguilements*.

An important Act at this time was that relating to the Gauge and Tare of Tobacco Hogsheads and fixing the Duty thereon. By this measure the duty on tobacco was increased in favor of the Proprietary, the amount of the increase to be accepted by him in lieu of the quit rents reserved in the land grants throughout the Province, a provision which afforded great relief to the poorer tenants. The Act of 1716 was rejected by the Proprietary because it provided that the portion of the duty intended for the support of government should be paid directly to the Governor, which was regarded as an invasion of the Proprietary's prerogative. In the Act of 1717 it was provided that the payment should be made to the Proprietary for the support of the government. This Act was continued in force by successive renewals until 1732, though somewhat modified in form in 1730.

The question of prerogative also arose over the law for the licensing of Ordinaries (Inns and Taverns), which the Proprietary claimed as his right, and refused to accept the revenue from this source from the Assembly "as a compliment." It required the ingenuity of a committee of conference of the two houses of the Assembly to frame this Act in a manner acceptable both to the Proprietary and to the Lower House. It was eventually so worded as neither to admit nor to deny the prerogative.

The fees charged by public officers, appointees of the Proprietary government, were complained of as excessive, and led to much dispute, the Lower House persisting in efforts for their limitation, which were resisted by the Upper House and the Governor. A bill for their regulation which was finally passed and signed in 1719, failed to receive the approval of the Proprietary.

The importation of convict servants into the Province began to provoke resentment. In 1719 a bill was introduced, the object of which was to restrict this importation, which the Assembly was powerless to prohibit, by the imposition of difficulties and obstructions. The bill finally passed both houses, though the Upper House showed a very tender regard for the interests of the merchants and ship-owners who found their profit in the traffic in convict labor. The measure, however, did not receive the signature of the Governor.

The career of Thomas MacNemara, who was long a disturbing element in the Province, and the efforts of the Assembly to deprive him of the right to practise in the Courts, occupy so much space in the records as to call for notice.

In September, 1707, a proclamation was issued by Governor Seymour, with the approval of the Council, requiring that on account of the corruption, ignorance and extortion of certain attorneys, all who were not members of some of the Inns of Court in England, should appear before the Council for examination as to their fitness. MacNemara immediately petitioned for examination, stating that for three years he had been practising in the Courts but by this proclamation he was deprived of his practice and livelihood. His petition was rejected by the Council on account of his "many misdemeanors" and having often affronted the Courts and abused his clients. He was told that it would be time enough to apply for examination when he had given some evidence of reformation in character.

In the following December the Council demanded an explanation from Chief Justice Smithson, of the Provincial Court, for his action in releasing MacNemara on *habeas corpus* from the jail, to which he had been committed by the Chancellor for contempt in failing to pay alimony to his wife (whom he had turned out of doors) as ordered by the Court of Chancery. Smithson's explanation was so unsatisfactory to the Council that he was summarily removed from office for his conduct in this affair.

In the February following, complaint was made of MacNemara on a charge of having taken a fee from one whom he represented *in formâ pauperis,* which, now that he was deprived of practice and unable to render the service promised, he refused to refund. To the sheriff whom the Governor sent to ask of MacNemara if this charge were true, the latter replied that "what he had got, none should take from him." For this "saucy answer" Governor Seymour ordered him placed in the stocks "bare breeched" for one hour; but the time was reduced on account of a violent storm which arose.

In 1709 MacNemara was disbarred from practice in Pennsylvania, and in October of the same year petitioned the Council in Assembly for restoration to practice in Maryland. In October, 1710, he was charged with a breach of the privileges of the Lower House by causing the arrest of one of its servants. In June, 1714, however, he was elected Clerk of the House of Delegates and continued in that office during the sessions of 1715 and 1716. When he was first presented in the Council Chamber to be sworn as Clerk of the Lower House, the new Governor, Hart, asked the members of the Council if they had any objections to the candidate. "They were not pleased to offer any," and so the oaths were administered by the Governor. Subsequently

MacNemara was provided for by appointment as Naval Officer at Patuxent; but in 1718 Governor Hart reported his many misdemeanors to the Assembly and asked for a law disabling him from practice, as the Courts were not able to protect themselves. He had been indicted for seditious language, and for fraud, suspended from practice in the Chancery Court for turbulent conduct and contempt, and Judges of the Provincial Court declared that they would resign from the bench rather than be subjected to his insolencies. A clause disabling MacNemara from practice was included in an Act for the support of the Magistrates. But he evidently had influence in England with the Proprietary, or his guardian. The Act was disallowed on the ground of tacking a personal matter on to a public measure, as being *ex post facto,* and as having been passed without affording a hearing. Opinions from three prominent English lawyers condemning the manner of passing the Act accompanied the veto. At the next session, 1719, a separate Act disabling MacNemara from practice was passed, in which it was sought to avoid the objections raised to the former Act. The reply to this was a peremptory order from the Proprietary, who had previously directed MacNemara to make due submission to the Maryland Court of Chancery, for his immediate restoration to practice without making such submission. Governor Hart indignantly resigned the Seals, declaring that he would not retain the office of Chancellor if he could not uphold its dignity. But MacNemara did not live to enjoy his triumph over the Governor. He was dead when the order for his restoration to practice was received.

The record of Governor Hart's administration shows him to have been, though an intense partisan and a man of strong personal animosities, a judicious Governor, and one sincerely devoted to promoting the welfare of the Province, a matter in which he showed great sagacity. The revision of the laws, in 1715, and the negotiation of the arrangement by which the quit rents were commuted for a duty upon tobacco were the great achievements of his administration. He was tenacious of the dignity of his office and also of its emoluments, and although he had received many marks of the confidence and esteem of the delegates, when at the close of his administration his request for an advance of salary that would accrue during furlough was refused by the Lower House, he sharply accused its members of parsimony. The Proprietary and his guardian had apparently grown weary of the constant bickerings and factional strife in Maryland, and concluded that a person of more conciliatory temper was needed in his place. In marked con-

trast to their former cordiality was the harsh tone of the communications recalling him to England, and the order concerning MacNemara.

A succinct but comprehensive view of the administration of Governor Hart is contained in an article by Dr. Bernard C. Steiner published in the Annual Report of the American Historical Association for 1899, Vol. I, pages 231-307.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, May 29–June 8, 1717.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. U. H. J. Original p. 1

At a Councill in Assembly held at the City of Annapolis the 29th day of May in the third year of the Reign of our Sovn Lord King George &c and in the 2d of his Lordships the Right honble the Lord Proprys Dominion &c Annoq Dmi 1717

Appeared in the Councill Chamber His Excy Jno Hart Esqr Capt Genll & Govr in Chief &c.

The Honourable

Thos Brook Esqr	Colo Thos Addison
Colo Wm Holland	Col Ricd Tilghman &
Colo Wm Coursey	Col Tho. Smyth
Col Sam: Young	

Members of his Lordships honble Councill of State

Col. John Mackall Mr James Stoddert & Capt Daniel Mariartee came from the lower house & acquainted his Excy that there were a sufficient number of members met to make an house And that Mr Speaker & that house waited his Excellency's Comands

Capt Mariartee & Mr Stoddert from the lower house present Michael Jenifer Gent whom they have Chose their Clerk. And being approved of takes the several Oaths appointed by the Act of Assembly to the Government & an oath for the due Execution of his Office

Esqr Brook & Col. Holland sent to the lower house to p. 2 acquaint Mr Speaker that his Excy requires their Attendance at this board, who return & say they Delivered it.

Thereupon Mr Speaker with the members of that house attend this board where his Excy is pleased on behalf of their Lordships to bespeak them after this manner.

Gent of the uper and Lower house of Assembly

Baltimore.
Guilford. We take this Opportunity to make known to you that we have approved & Confirmed all those Laws transmitted to us which were made ready for our Assent at a Session of Assembly begun and held at our City of Annapolis the seventeenth day of July in the first year of our Dominion, Except that laying An Additional Duty of four pounds p poll, on the King's Protestant as well as other his Majestys Sub-

U. H. J. jects of the Kingdom of Ireland, w^ch^ we have Dissented, and Except the Act Ascertaining the Gage & Tare off Tobacco hogsheads &c. whereby our own revenue & the Support of our Governm^t^ are Provided for, which still lies before us for our further Consideration.

As we Cannot Enough comend the Loyalty & Zeal you have
p. 3 shewn for his Majesty & the Succession in the Illustrious house of Hannover so none of those Laws to which we have Assented met with a more ready Confirmacōn of them than that, which makes it penall for men to Act in Imployments without takeing the Oaths to our Dread Sovereign King George Whereby Protestants & Papists may Clearly Perceive that your Lord & Propry is not as has been Maliciously suggested by some A Papist in Masquerade but a true Protestant of the Church of England in which faith he is Resolved to live & Die

Gent. We have at heart the Welfare & Prosperity of the people of this Province equall to that of our own and are determined never to do anything to separate that Union which may tend so much to the comon good. An Early Instance hereof we manifested when we Directed Capt Hart to lay before you on what Condicons we were willing to give up our Quitt Rents & Alienes fines, a Condesention which nothing but the good & relief of the poorer & more numerous part of our People coud have prevailed with us to have Consented to And having done so much on our part for the ease & benefitt of the people, We are Surprized to find that you shou'd rather Choose to give the mony which is appropriated to the support of our Government to the only use of our Deputy for the time
p. 4 being rather than our own which with our Honour we never Can Consent to. We have therefore Instructed our Leiv^ts^ Gov once more to lay before you on what Conditions we are willing to part with our Quit rents and Alienation fines And doubt not but that the Planter by the ease he will find in payment of his Rent And the Trader by the advantageous Provisoe of Reshipping free their Tobaccoes upon any loss that shall happen to them at Sea in their voyage homewards will find their great Benefitt thereby And that all feuds & Animosities among our People will for the future be laid aside And the Province continue to Increase & flourish under the family of Baltemore

And further his Excellency was pleased to bespeak them as foll.

Gentlemen of the Upper and Lower Houses of Assembly } The Right honble the Lord Propry & his Lordship's noble Guardian the Right honble the

Lord Guilford having given you in that Speech I had now the U. H. J.
honour to deliver to you on their Ldship's behalf such preg-
nant proof of their own fidelity by their Lordships approving
and applauding the great Zeal and Loyalty for his Majesty
King George and the protestant Succession in the Illustrious
House of Hannover and the Ready Confirmation of such
Laws as were provided for the security of the protestant
Interest in this Province together with the ardent & hearty p. 5
Profession of the Lord Proprys being a true Protestant of the
Church of England I hope will Obviate the Malitious sug-
gestion of such as have Represented his Lordships being a
Papist in masquerade And that this publick & frank Declara-
tion of the purity of his Lordships Faith will engage & Secure
to his Lordship the Hearts & Esteem of all the good People of
Maryland

My Lords Propry & Guilford having Exprest their Tender
regard for the welfare of this Province, in such Pathetick &
Affectionate Terms that I am ꝑsuaded a Repetition of some
part of them will be far from being unacceptable to you since
they Contain in a few harmonious Words all that so reas-
onable a people as you are can hope for or desire from your
Superior. The Words are these.

Gent We have at heart the Welfare and Prosperity of the
People of this Province equall to that of our own And are
determined not to do anything to seperate that Union which
may tend so much to the comon good.

Gent I shall lay before you what reason moved their Lord^{ps}
to dissent to that Act for laying an Additionall duty of four
pounds ꝑ poll on Irish Servants which I hope will give you
Satisfaction.

Gent of the Lower House.

Their Lordships have Acquainted you that the Act Ascer-
taining the Gauge & Tare of Tobacco hogsheads wherein
there is a Provision for the Lord Proprys Revenue and the
Support of their Government lies under their Lordships Con- p. 6
sideration. What motives you might have had to prepare that
Bill which made the 12^{d} ꝑ hogshead for the support of Govern-
ment payable to the Govern^{r} for the time being I was Ignorant
of at the time of passing it And should have still remained so,
for I have ever Inviolably preserved the privileges of your
house, but I am now acquainted with your proceedings an
Officer of your own having given better Information of this
Affair in Great Brittain than you thought convenient for my
Knowledge here. The Violent Feavour which it pleased God
to visit me with all the time of the prepareing that Bill Ren-

U. H. J. dered me Incapable of giving my usuall & Constant Attendance in the uper house for the necessary dispatch of business in the time of the Assembly And by Consequence from hearing the Debates in the uper house And Considering yo^r^ messages upon that Bill so shall take the Liberty to make use of their Lordships Arguments why that part of the Act shou'd be Altered & the mony ariseing thereby made payable to his L^d^ship the Lord Prop^ry^ and not to the Leivt^t^ Gov^r^ for the time being this being the only Exception to that Act. The Lord Prop^ry^ by his Charter from the Crown being hereditary Governour of Maryland And all Rights of Government do undoubtedly belong to his Lordship And therefore his Lordship
p. 7 cannot Consent with Hon^r^ that what is Raised for the Support of his Governm^t^ shou'd be made payable to any person who Acts by Deputation under his Lordship. These reasons Carry in themselves such Weight as I hope there will be no Occasion to Offer any more to Induce you to Alter that Act in the manner proposed.

As for my part who have the Honour to represent his Lordship in this Province I must acknowledge there is so generous a support made for the dignity of my Station that his Lordship's Liberality has left no room to desire any new favours from the Country tho' I am very thankful to you for what has been already Conferr'd on me which I fully enjoy and as I have ever endeavour'd to Promote as much as in me lay the true Interest of this Province as the most gratefull return I cou'd make for the many marks of the Esteem they had given me so I shall Constantly apply myself to do whatever is Proper for me in my Capacity that may be Conducive to the publick Welfare of Maryland And therefore earnestly recom̄end to you that you will on your parts Preserve that Union which my Lords Prop^ry^ & Guilford have so much at heart for the Com̄on good.

Gentlemen of the Uper & Lower Houses

I am Comanded by the Lord Guilford on the Behalf of the Lord Prop^ry^ to deliver you his Lordship's most obliging Answer to your Address dated the 10^th^ of October last, this being the first time of the meeting of the Assembly since I rēcd it. By this Answer you will find his Lordship had the Good-
p. 8 ness to promise you that noe Pson shoud be advanced to any preferrm^ts^ that woud not qualify themselves by Law. And I can now acquaint you that It is their Lordships Pleasure actually to remove them.

These unqualifyed psons obtaining Offices in the manner they did that is in truth by Surprise & misinformation as it

Created much uneasiness in the minds of a great majority of U. H. J.
the people so I hope the effectual Care that has been taken by
the Lords Prop^{ry} & Guilford for their speedy removall from
their Imployments will put an end to all feuds & Animosities
amongst you. The Cause of your Complaints being now re-
moved It is Justly Expected the Effects shou'd Cease of Course
And I doubt not you will shew yourselves true Protestants
Indeed by your Charitable Demeanour to your neighbours of
another ꝑswasion, since it is no longer in their power to do you
any Injury.

However I may have been ꝑsonally ill represented in Great
Brittain for doing my approved duty of exerting the Laws
against such who made no Scruple to Invade them Yet I shall
never forget that maxim I learn't when a Soldier That whilst
the enemy was in Armes, to oppose them with a vigorous
resolution but when Providence pleased to bless the Juster side
with advantage to treat them with humanity.

I hope the Gentlemen of the Romish Comunion will pru-
dently consider their own Interest & Content themselves with
the Lenity of the Governm^{ts} they live under who admitts them
in this Province to an Equal share of Priviledges with the p. 9
rest of their fellow Subjects the bearing of Offices alone
Excepted to my knowledge this would be thought an Inestim-
able blessing by the Protestants that live in the Roman Cath-
olick Dominions if nothing more was expected from them
than a Dutiful Submission to the Laws of their Country which
no wise State will ever suffer to be Infringed.

I have on several occasions recommended to you the abso-
lute necessity of Propagating learning in this Province by
making some Competent Provision for Schools And it would
be happy if there was a foundacon at least for one in Every
County but as yet there is but slender Incouragem^{t} given nay
the funds that are Directed for the maintainance of Schools
are of so Inconsiderable a Value that unless you think Proper
to make better provisions to that pious & useful end even the
School of Annapolis which begins to Increase & flourish must
for want of due Support be laid aside. The Province is now
in the most happy Condicon that ever it was since the first
Settlem^{t}. I bless God I live to see the happy Change in your
Affairs since Providence has been so Indulgent to you and
put the means into yo^{r} hands Exert yourselves to advance the
honour & Interest of your Country for the particular good of
your Children who were they sensible of the Irretrievable loss
they will sustain in the want of a liberall Education in their
youth they would Join their Tears to my Entreaties

By the Lords Propry & Guilford's Comand I laid before the
last Session of Assembly his L^{dps} right to the Ordinary Lycen-

U. H. J. ces And at your request it was left to the Consideration of
p. 10 this Session.

I have again received Instructions to the like purpose and shall comunicate them to you and hope they will meet with no difficulty Considering the Just Claim of my Lord Propry and the Urgent necessity of a regulation in the Ordinaries.

Gent. As my Lords Propry & Guilford have most Obligingly complyed with whatever you thought proper to request of their Ldships And as their Lordships have given you all Assurances of maintaining your Laws And preserving to you your rights & Priviledges It will lye upon you to make such gratefull returns as may give his Lordship the Strongest proof of your dutiful Affections which in Effect is all that is Expected from you. A remarkable Instance what felicity you do & may Enjoy under the noble family of Baltemore

Jo Hart.

His Excellency the Govr delivers to Mr Speaker the following Answer from the Lords Propry & Guilford to the Address of the upper & Lower houses of Assembly in July 1716 Viz.

The Answer of the Right honble Francis Lord Guilford Guardian to the right Honble Charles Lord Baltemore Absolute Lord & Propry of the Provinces of Maryland & Avalon for and on his behalf To the Address of the uper & lower houses of Assembly of the Province of Maryland. Gent. I thank you on behalf of my Lord Propry for your Dutiful
p. 11 Address and in a most particular manner comend the great Zeale you have shewn for the Kings Honour against the dareing Attempts of Papists you may depend upon it that as my Lord Proprietor and I have nothing more at heart than the maintaining the True Orthodox Religion & Principles of the Church of England & protecting you in all your Civil rights & Liberties so we hope we shall be able to do both under the administration of our present Leivts Governour Capt Hart.

I do assure you nothing can be more welcome to my Lord Propry and me than the advice of our Assembly, it being so Vital a part of the Constitution and the best Counsell of the Province And we hope that as often as you give it us you will understand the Value of your rights & privileges so well as to give it free & without Influence.

Gent. You may depend upon it no pson shall be advanced to any preferrmt for which he shall not be Qualifyed by Law.

October the 10th. 1716 Guilford

His Excellency Communicates to this house the fourth & fifth Articles of their Lordships Instructions Viz.

4th. We hereby signify to you, which you must Imediately

acquaint our Council with, that in Case of the absence or U. H. J.
death of our Leivts Govr for the time being the first ꝑson of our
Councill then living and actually resideing in our said Prov-
ince of Maryland And upon his death or Absence the next
ꝑson of our said Councill actually living & residing as afd
successively shall Imediately take upon him the Government p. 12
of our said province and shall with the advice & Consent of
our Councill for the time being Execute the powers and
Authorities which were or shall be given to such Governour
in Relation to the Government untill the Return of such Gov-
ernour if absent or untill our pleasure be further known
therein.

5th And we do hereby Impower the President of our Coun-
cill who dureing the Absence or upon the death of our Leivts
Govr shall take upon him the Governmt as afd to demand and
take of our receiver Generall dureing his Administration out
of such mony as shall be raised by Vertue of the afd Acts
ascertaining the Gauge & Tare of Tobacco hogsheads &c. the
Sume of five hundred pounds ꝑ annum And our Receiver
General is directed to pay it accordingly.

His Excellency Declares to this house that he is Comanded
by the Lord Propry to swear Mr Henry Lowe a member of his
Lordships honble Councill in the Room of Thomas Greenfield
Esqr decd

Whereupon the said Mr Lowe being sent for appears and
takes the severall Oaths appointed to be taken by the Act of
Assembly of this province, and also the usual Oath of a
Councellor & Takes his place.

His Excellency Communicates to this house an Article of
their Lordships Instructions to him, Viz.

Article 13. Whereas in the Act made last Sessions of As- p. 13
sembly entituled An Act for the better security of the peace &
Safety of his Lordships Government and the Protestant In-
terest within this Province there are these words following.

That no ꝑson or ꝑsons whatsoever shall be Capable of hold-
ing Executing & Enjoying any office Deputation or Trust
within this Province whatsoever shall presume to Execute
or Injoy any such Office Deputation or Trust Contrary to
the True intent & meaning of this present Act, the Comission
Deputation or Authority of such ꝑson or ꝑsons is made Void
and he or they are to Suffer the penalties as by the said Act
is declared

which words to some seems so general that they think the
trusts Authorities or Powers granted between man & man in

U. H. J. their private Transactions may be affected thereby Which is surely more than what is Consonant to the Laws of Great Brittain.

You are therefore to Endeavour that the said Act be re-enacted with this following Proviso, or that some Declaratory Law or Clause in a Law be made to the same Effect. Provided nevertheless that this present Act or any thing therein Contained shall not Extend or be Construed to Extend to the negotiation or managem^{t} of the private Affairs of any Person or ꝑsons whatsoever so as such negotiation or management shall not in any wise relate to the Administration of the Governm^{t} of this Province.

The Question being put whether there is any thing Con-
p. 14 tained in that Act that Can be deemed or Construed to Extend that the Trusts Authorities or powers granted between man & man in their private Transactions is affected thereby. Tis Answered by this house nemine Contradicente That no Trust Authority or Power between man & man in their private Affairs is Affected thereby.

John Hall Esq^{r} appears & is added to this House.

The following message sent to the Lower house by Esq^{r} Hall. Viz.

By his Excellency in Council, May 29th 1717

Gent. I have herewith sent you for your ꝑusal An Article of their Lordships Instructions to me relating to Ordinary Lycences which is as foll.

Article 11th Whereas the granting Ordinary Lycences is undoubtedly in us And that we have Impowered our Secretary M^{r} Tho^{s} Beake & M^{r} Charles Lowe either by themselves or their Deputy to grant them & to receive the fines thereof to their own use, And thinking it necessary that the Ordinaries in our Province should be regulated we are desirous that a Bill may be prepared accordingly And the fines thereon may be made Certain which you are to Endeavour to Accomplish being rather Inclined to have it settled with the Consent of our people than by our own Prerogative.

Signed ꝑ order Jn^{o} Beard Cl Up ho.

p. 15 The said John Hall Esq^{r} returns and says he Deliver'd it and prays leave to go home being Indisposed, w^{ch} is granted

The House Adjourns till to morrow morning nine a Clock

Thursday May the 30th U. H. J.

The House meet according to Adjournm^t

Present as yesterday, save Esq^r Hall who had leave to go home.

The Petition of Moses Lecompt of Dorchester County being Read whereby he shews that he was sued in Dorchester County Court by Jonathan Bassett of New England in an Action on the Case

That on Tryal the Pet^r obtained a Verdict in his favour but that on false Suggestions to the Court by M^r John Kirk the s^d Bassetts Attorney a new Jury was Impannelled, who return'd a Verdict for the said Bassett whereon he had Judgm^t for one pound nineteen shillings & six pence and Costs Wherefore he Prays Relief in the Prmisses And such Decree as this Board shall think fitt

The Record of the Proceedings of the said Court being also Read, And M^r John Brannock appearing to be Att^ny for the Petitioner,

Tis Resolved that the following message be sent to the Lower House Viz p. 16

By the uper house of Assembly

May 30th 1717

Gent. We Desire that M^r John Brannock a member of your house have leave to appear here to inform this Board of a State of the Case between Jonathan Bassett of New England and Moses Lecompt in Dorchester County Court wherein M^r Brannock was Concerned as a Practitioner.

Signed p order Jn° Beard Cl Up ho.

The Upper House Adjourns till three a Clock in the afternoon

Post Meridiem

This house meet according to Adjournment Present as in the forenoon.

The message prepared in the forenoon is Sent by Col Coursey, who Returns & says he Delivered it.

Major Wilson & M^r Sam^l Hanson from the Lower house with the foll° message.

By the Lower Ho: of Assembly

May the 30th 1717

May It please your Excellency & Honours

This house In order to dispatch business as much as in them lies has made a resolution to sit from eight of the Clock

U. H. J. till Eleven in the forenoon and from One till five in the afternoon dureing this Sessions and desire to know whether the
p. 17 time resolved on be Agreeable to your Excellency and Hon^rs^
Signed p ord^r^ Mi: Jenifer Cl Lo. Ho.

Resolved that the following message be sent down in Answer thereto.

By the uper ho: of Assembly

May 30th. 1717

Gent. We have Considered of your Message by Maj^r^ Wilson & M^r^ Hanson and think the times therein proposed very agreeable for the dispatch of business with which we Concurr
Signed p ord^r^ Jn° Beard Cl Up Ho.

Sent by Col° Coursey who returns & says he Delivered it.

M^r^ John Brannock appears on the message by Col Coursey & being asked what he knows in relation to the facts in the petition of Moses Lecompt of Dorchester County; Answers, being Imployed by the said Lecompt as his Attorny on the Tryall, he is well acquainted with the facts & knows them to be true.

Whereupon a Proper Remedy against the af^d^ John Kirk and the Justices of that Court being thought necessary, 'Tis Resolved that the Attorny Gen^ll^ be advised with Concerning the Premisses, who gives his Opinion as follows

May it please your Excellency

On Consideration of the Complaint made to your Excell^cy^ and his Lordships honourable Councill by Moses Lecompt of
p. 18 Dorchester County, I am humbly of Opinion that as the Justices of that County Court are answerable to the Government (by whom they are Comissionated) in a Consular way for any misfeasance or neglect of their Duty so your Excellency and the honourable Councill as in your Discretion you shall see fitt may require all or as many of them as you think proper to attend you in Councill and there they may be made sensible of the Imposition put upon them by M^r^ John Kirk a practitioner of that Court Who is sworn to do no deceit neither to Consent to any but to acquaint the Court if he should know of any such practice And Consequently lyes Lyable to their Censure for such misfeasance which is notoriously plain in him who has been An Antient Practitioner and no ways Ignorant of the Laws of this Province. And that the said Justices as in Conscience & Equity they ought may acquaint him unless he makes the Petitioner Satisfaction for the Injury he has done they will

according to the Power vested in them by Law proceed to sus- U. H. J.
pend him from his practice in that Court, which if the said Justices refuse to do I am humbly of opinion that your Excellency should shew your resentment of their folly or partiality by dismissing them out of the Comission for the Administration of Justice in that Court. Which I humbly submitt to your Excys & the honble Councill's better Judgement, & am with all Duty & Respect your Excys most Obedient humble Servt

May 30. 1717. Wm Bladen Attory Genl

I further Certify to your Excellency that by the Limitation of the Jurisdiction of the severall Courts of this province p. 19
Moses Lecompt has no remedy either at comon Law or Equity

W Bladen

To his Excy The Govr & Councill

Present These

The Question being put whether the Justices of that Court and Mr John Kirk the Attorny shall be sent for or not. Resolved Nemine Contradicente that they be sent for to answer the Premisses.

Thereupon Sum̄ons Issued to the Sheriff of that County to Sum̄ons Leivt Colo Jacob Lookerman Capt Henry Ennalls, Capt John Rider Capt Levin Hicks Capt John Keen, Capt Henry Trippe & Mr Chas Nutter Justices of Dorchester County Court & Mr John Kirk to appear before his Excellency & Councill with all Convenient Speed not Exceeding Thursday the 6th day of June next, And Delivered to the said Lecompt to carry to the Sherriffe

The House Adjourns till
To morrow morning eight a Clock.

Friday May the 31st 1717
The House meet According to Adjournment

Present p. 20

Thos Brook Esqr	Colo Thos Addison
Colo Wm Holland	Col Ricd Tilghman
Colo Wm Coursey	Col Thos Smyth &
Colo Saml Young	Henry Lowe Esqr

His Excellency acquaints this house that this morning he Received a Letter from the honourable Wm Whittington Esqr Informing him of his Indisposition and desiring to be Excused from his Attendance this Assembly. And also Informing him of a great delay of Justice in Somersett County Court

U. H. J. Whereupon Resolved that the following Message be sent to the Lower house.

By the Uper house of Assembly

May the 31st 1717

Gent. Complaint being made to this board of a great delay of Justice in Somersett County Court desire leave may be given the Gentlemen of your house for that County to appear at this board to give this board a true State of the Case.

Signed p order John Beard Cl Up ho.

Sent p Col Addison who returns & says he Delivered it.

His Excellency lays before this board an Invoice of Arms sent into this Province by Col Blakiston amounting to the
p. 21 sume of £257..10s..4d Out of the sume lodged in his hands to buy Armes being five hundred pounds Sterling. Col Blakiston Acquainted his Excellency the Reason why the whole was not laid out was, being in the time of the late Rebellion in Great Brittain Armes were very dear but having bought these before, sent them, takeing it to be an Improper time to lay out the ballance remaining being £242..9sh..8d

London Aprill the 21st 1716.

Invoice of goods shipt by order of Col Nathl Blakiston on board the Annapolis Merchant Stephen Yoakly master for the proper Account and Risque of the Province of Maryland and go Consigned to his Excy John Hart Esqr Govr of said Province

	M		
N° 1	To 20 Rundletts containing 10 Cwt Muskett & Carabine Shot		6.. 8..2
1.	To 8 Chest 150 Musketts 50 Carabines &c Looker		190..16..8
3 to 11..9 Casks 1 .. 2..2 Cases	18 Drums 36 Halbards	&c Jn° Thompson	43..17..0
A Cask to pack part Carabine buckles			—.. 2..6
			241.. 4..4
Custome on the abovesd goods		3..13..6	
Entry Bills & Cocqts searchers & Dtys fees		1..15..6	
Cartage, porters, wharf & shipping		1.. 7..0	
Primage paid the Master		3.. 4..6	
			10.. 0..6
Comission 2½ p Cent			6.. 5..6
			£257..10..4

S[r] Inclosed is a bill of loading and Invoyce of the goods shipt you on board the Annapolis Merch[t] Stephen Yoakly master which hope will Come safe to your hands. U. H. J. p. 22

I am for M[r] John Hyde
Y[r] Exc[ys] Most Obedient humble Serv[t]
Edw[d] Tannall

Philemon Lloyd Esq[r] Came & was added to this house.

According to the message by Col. Addison Appeared from the lower house M[r] Samuel Hopkins M[r] W[m] Whittington and M[r] John Purnell And Informs this board that the delays Complained of was Occasioned by the Attornys and the death of many of the Comissioners. The Gent. are desired to put into writeing the reason of the delays.

His Excy Acquaints this house that being Informed upon Oath of a Ships being taken by the Pyrates he published by Letters to the severall Naval Officers to give notice to the several Masters of Ships then in the Country that upon giving bills on their Owners they might have what Amunition they thought necessary out of the Country Stock; The Exigency of that affair requiring dispatch His Excellency thought fitt to do it of his own Authority without Calling a Councill.

Which is by this house Very well approved of.

The house Adjourns till Afternoon p. 23

Post Meridiem

The House meet according to Adjournment

Present as in the morning with the Addition of Col Ennalls Col[o] John Mackall and nine other members from the Lower House with an Answer to his Excys Speech as follows.

To his Excellency the Governor

We the Delegates now met to represent the People of this Province this Present Generall Assembly under the Government of our Lord Prop[ry] beg leave on this occasion to declare to your Excellency the great Satisfaction we have received by the answer of the right honourable Francis Lord Guilford to our late Addresse And by the speech of the Right honble the Lords Propry & Guilford delivered us by your Excy att the Opening this Session and do with all Dutiful gratitude acknowledge their Lordships Goodness & shall make our humble Application to their Lordships by way of Addresse in relation to the Subject matter of both. p. 24

And now Proceed to Assure your Excellency that our Endeavours shall not be wanting to make known to those we

U. H. J. represent how far they are Engaged in Affection as well as duty to our Lord Propry & his noble Guardian for their Declared Zeal for the Present Establishm^{t} both in Church & State

We shall readily apply ourselves to the Considerations of such Reasons as moved their L^{dps} to dissent to the Law relateing to Irish Serv^{ts} when your Excellency shall be pleased to comunicate them to us And shall pay due deference to their L^{dps} motives and also have a just regard to the reasons Offered for the Altering the Law that relates to the Support of Government

We are Obliged in Justice to acknowledge your Excellencys Tenderness of our Privileges & sorry to find ourselves mistaken in the Choice of an Officer who either forgot his duty or wilfully Comitted a Breach of it by revealing the secretts of this house tho we are ꝑswaded if he has Confined himself to Truth he can lay no Crimes to our Charge.

Your Excellency's Endeavours to promote the true Interest of this Province have been Eminently signalized to us in so many remarkable Instances dureing y^{or} Excellencys Administration that we have not the least Room to doubt of yo^{r} Excell^{s} good Inclinations. And on this Occasion we must beg leave to Express our Concern that the largest Opportunities we have had of demonstrating the Esteem we have for your
p. 25 Excellency have fallen so farr short of amounting to a Compliment, that we are forced to acknowledge we have failed in doing justice to your Merit. Under which reflection the only Consolation we can find is your Excellency's generous Acceptance of our Endeavours where Abilities are wanting. Tho' we are limited in some other respects We are not so in Affection which must still be Encreased by your Excellencys so Earnest recommending to us the Consideration of the Comon good

We most gratefully acknowledge their L^{dps} Justice in removing those Officers that were despisers of our Laws and Introduced themselves by Surprize & misinformation & must likewise acknowledge the valuable Services yo^{r} Ex^{cy} has been pleased to do both our Lord Prop^{ry} & this Province in having such misinformations & the designs of the Informers so oportunely detected.

We shall always endeavour to be gratefull to our benefactors & Christians to all, And shall be glad to find Our Roman Catholick neighbours content with the present Indulgencies they enjoy And Carefull that they exceed not the

Bounds of that Law which they once rejoyced at as a favour. U. H. J.
And we hope they'l better understand the present Establishm[t]
than to endeavour any further Infringem[t] of it.

Your Excellency's frequent recomending to us the propagateing Learning is a further Instance, how much your Excellency has at heart the generall Welfare of our Country, The want whereof is but too Evident Amongst us, And when we reflect, how Zealous your Ex[cy] has been in Promoting learning for us and how wanting we have been to ourselves in p. 26
that part We can scarce Expect to Escape the reproach of those we represent; but we must begg leave to Charge this our Remissness on the great discouragement we have already met with in having monys that are raised in this Province applyed to the maintaining a School in another by which never any one Inhabitant of this have reaped the least Advantage.

This manner of Application we are ꝑsuaded had never been used, had not our neighbours in Virginia made some misrepresentations concerning it. If we could be so happy by your Excellency's Assistance to have this Case truly Stated and a proper Application made for redress, We shou'd not doubt success from the Justice of our case, And then we should with Cheerfullness Exert ourselves in the Endeavouring to make such an Establishment as might give our present youth & Posterity an Opportunity of Learning. In the Interim we shall be glad of Embracing all Opportunities to support the present Schooll that may not be too burthensome to the publick And should be glad to receive such Proposalls as the present Rector & Visittors shall think fitt to make for our Assistance in the Consideration of that so Important an Affair.

We shall Imediately proceed to do what may be proper in respect to the Regulation of Ordinarys.

We again acknowledge their Lordships great goodness p. 27
particularly in the Regard they have had to the preservation of our Constitution And the Continuing your Excellency their Governour Over us of whose Loyalty Fidelity honour & Justice we have had so Ample an Experience that we cannot Esteem this the least of their Lordships Favours Especially since by the Influence of your Excellencys Administration and Example we are Encouraged with all Freedom to demean ourselves as becomes a People truly Loyal to his Maj[ty] Dutifull to their Lordships & Just to our Country.

The House Adjourns till To morrow morning.

U. H. J.

Saturday June the first

The House meet according to Adjournment

Present

His Excellency the Governour

W^m^ Holland Esq^r^	Phile Lloyd Esq^r^
W^m^ Coursey Esq^r^	Ric^d^ Tilghman Esq^r^
Sam^l^ Young Esq^r^	Tho^s^ Smyth Esq^r^ &
Tho^s^ Addison Esq^r^	Henry Lowe Esq^r^

Sent to the Lower house his Excellencys Answer to their Address by Col^o^ Holland, Col Coursey, Col Young, Col Addison, & Col Smyth Viz.

p. 28 Gentlemen. The Zeal you Express for his most Sacred Maj^tys^ Service and that Dutiful & affectionate Regard you have for the Lord Prop^ry^ & his Lordships Noble Guardian the Lord Guilford, will undoubtedly be highly Acceptable to their Lordships. Nor shall I be wanting to give their Lordships an Early Account of the happy disposition of your house.

Gent. I return you my most hearty thanks for the Obliging Sentiments you have both for my Administration & Person. The preserving your Laws & Previledges in the same Condition I found them at my Arrival has been the sole View & Aim of my Actions And as my Conduct in so doing has been Agreeable to their Lordships Comands & Intentions so there are many Halcyon days promised to your Country

It is with Extream pleasure that I find you so readily come into my request for the propagation of learning in this Province. I will do all that lies in my power [that] may be Proper to advance that good end. For in this and all other respects I shall be Joyfull to be an Instrument of Promoting the Prosperity of Maryland as the most Effectuall means of being faithfull to my Lord Prop^ry^ and Acting Impartially in my Station

Jo: Hart

His Excellency having Laid before this house his Lordships
p. 29 reasons for dissenting to the Law that lays an Imposition of four pounds ℔ poll on Irish Servants Imported.

Resolved that the Message following be sent to the Lower house

By his Excellency the Gov^r^ June 1^st^ 1717

Gent. The Reasons assigned by their Lordships for the dissenting to the Law which lays four pounds ℔ poll on Irish Servants are, That it tends to the Excluding his Majesty's

Protestant Subjects from settling in this ꝑvince and is a dis- U. H. J.
couragement to the peopleing of it, is by the advice of Councill dangerous to his Lordship's Charter which is hoped will give Satisfaction to your house.

Signed ꝑ order Jn° Beard Cl up ho.

The House Adjourns till the afternoon

Post Meridiem

This House met according to Adjournment

Present

His Excellency The Governour

Col° W^m^ Coursey	Phil Lloyd Esq^r^
Col° Tho^s^ Ennalls	Col Ric^d^ Tilghman &
Col° Tho^s^ Addison	Henry Lowe Esq^r^
Col° Sam^l^ Young	

The House Adjourns till Monday morning

Monday morning June the 3^d^ 1717

The House met according to Adjournment p. 30

Present

Col W^m^ Coursey	Phil Lloyd Esq^r^
Col Tho^s^ Ennalls	Col Ric^d^ Tilghman
Col Tho^s^ Addison	Henry Lowe Esq^r^

M^r^ Thomas Robbins with two other members from the Lower house with a bill for the Adjournment of Baltimore & Talbott County Courts Endorst

Past by the Lower house

Col Sam^l^ Young appears & is added to this house

M^r^ James Stoddert & four others from the Lower house with the foll message

By the lower house of Assembly

June 3^d^ 1717

May it please your Excellency & Honours

Upon Consideration of that part of your Excellencys Speech & the Eleventh Article of his Lordships Instructions relateing to the regulateing of Ordinaries & the fines for Ordinary Lycences, We find that the Preceding Assemblys have hitherto strenuously Insisted that those fines were not a ꝑquisite to the Secretarys Office to which purpose we find that the Generall p. 31

U. H. J. Assembly of this Province in the year 1713 made their humble Address and remonstrance to her late Majesty Queen Anne &c. upon the then Secretarys claiming a Right to those fines which therefore we are unwilling to give up. And forasmuch as by his Lordships Instructions It seems his Lordship claims a right thereto by his Prerogative we are unwilling to intermeddle therewith, But shall humbly address his Lordship that his Lordship will be favourably pleased to let those fines be applyed to the use of Free schools within this Province (whose funds are too small for the Propagation of learning) and desire your Excellencies and Honours favourable Concurrence with us in that Address

Signed p ordr Mic. Jenifer Cl Lo Ho.

The Bill for Adjournment of Baltimore & Talbott County Courts being Read is Endorsed as follows

By the up house of Assembly June 3d 1717
Read in this house & will pass
Signed p order Jn° Beard Cl Up ho.

And sent down by Col Tilghman who returns & says he Delivered it.

The House Adjourns till Afternoon

Post Meridiem

p. 32 The House meet according to Adjournment
Present as in the forenoon

In answer to the message in the forenoon by Mr Stoddert and four others Resolved that the following Message be sent to the lower house

By the uper house of Assembly June 3d 1717

Gent. My Lord Propry insisting that the Ordinary Lycences are a part of his Prerogative and having already appropriated the fines ariseing thereon for the support of his Lordship's Secretarys who are the psons that transact all his Lordships Affairs in relation to this Province without any fee or reward (that we Can learn) but what accrues from the Secretarys Office. It seems therefore Inconsistant with his Lordships honour that this board shou'd enter on an Affair that he hath already determined in favour of his two Secretaries who have been very active & Instrumentall in the happy Settlemt

of our present Establishment which all of us have Expressed ourselves so entirely well satisfyed withall, But Observe to you that if his Lordship had not already made a Disposition in that Affair and to two such worthy Gentlemen, we shou'd then have concurd heartily with you in our Endeavours for acquiring so good a fund towards the Support of Free schools within this Province. And further his Lordship's Comands being absolute to his Excellency as you will observe by the Instruction already sent you and the necessity of the regulation of the Ordinaries being obvious to every member of your house We desire you will take this Affair again into your Consideration. U. H. J. p. 33

Signed p order John Beard Cl Up ho.

Sent p Col Coursey Col Ennals & M^r^ Lowe who Return & say they delivered it.

His Excellency Offers to the Consideration of this house part of the Tenth Article of their Lordships Instructions Viz.

Article 10th. Whereas many laws which were made before the Crown interposed in the Government of Maryland appear to be nulled or at least laid aside by some subsequent Laws which were made dureing their Majestys Rule And are yet Essentiall to the peace & Quiet of the people of the Province under the protection & Governm^t^ of a Prop^ry^ as well as to his honour & Safety. Presidents whereof you may find among these made in 1681 And none seems to be more Essentiall than an Act which you are to Endeavour to pass for punishm^t^ of such as shall Counterfeit our great Seale

Col W^m^ Holland appears and is added to this board

This House having considered that part of the tenth Article laid before them 'Tis Resolved that the foll^g^ Message be sent to the lower house Viz. p. 34

By the uper house of Assembly June 3^d^ 1717

Gent

His Excellency having Offered to the Consideration of this house a part of the Tenth Article of their Lordships Instructions to him, have herewith sent it to you Viz.

Article 10th. Whereas many Laws which were made before the Crown Interposed in the Government of Maryland appear to be Nulled or at least laid aside by some subsequent Laws which were made dureing their Majtys Rule And are yet Essential to the peace & quiet of the People of the Province under the Protection & Governm^t^ of a Proprietary as well as

U. H. J. to his hon^{r} & Safety, Presidents whereof you may find among those made in 1681 And none seems to be more Essential than an Act which you are to Endeavour to pass for punishment of such as shall Counterfeit our great Seale, Therefore we desire you'l Appoint two of your members to be Joined with one of this board to Inspect into those Laws and note which of them tis necessary to renew

Sgin'd p order John Beard Cl up ho.

And Sent p Col Holland, Who returns & says he Delivered it

M^{r} Tho. Trueman Greenfield and M^{r} Ja Lloyd bring from the lower ho: the foll^{o} message.

By the Lower House of Assembly
June the 3^{d} 1717

May It please yo^{r} Excy & Honours

In Concurrence with yo^{rs} p Col Holland We have Appointed
p. 35 Cap^{t} Tho^{s} Truman Greenfield and M^{r} James Lloyd two of our members to Join with one of your board to Inspect into those Laws who are Ready to attend for that purpose.

Signed p order Mic: Jenifer Cl Lo Ho.

Whereupon Samuel Young Esq^{r} is appointed to Join with them on behalf of this house, and the following message sent down by him.

By the Uper House of Assembly June 3^{d} 1717

Gent. We have Appointed Samuel Young Esq^{r} (one of this board) to attend the two Gent. of your House to go on the pusal of the Laws made in 1681, according to our yesterdays message by Col Holland. Sign'd p order

Jn^{o} Beard Cl Up ho.

Resolved and Ordered on the Complaint of the Indians of Copanquo Town in Somersett County of some hardships they lie under from the English in relation to their hunting, fishing & setting Trapps &c. That the following Proclamation Issue

By his Excellency the Cap^{t} Generall &c.

A Proclamation

Whereas the Indians of Copanquo Town in Somersett County have Exhibited their Complaint to me seting forth that severall avaricious & ill minded psons Inhabitants of this Province grudging the said Indians any Reasonable Subsist-

ance do prevent & Obstruct them in their hunting fishing and fowling & setting Traps in their grounds for takeing Raccoons & other Vermin notwithstanding that it is Stipulated by the Governm[t] with the Indians Inhabiting within this Province that they shall Exercise & Enjoy that freedom and Previlege inviolable all which tends to the breach of the Publick Peace, & manifest Injury and Oppression of the Indians. Wherefore with the Advice of his Lordships hon[ble] Councill I have thought fit to Issue this my Proclamation Strictly Comanding, enjoyning and requiring all and Singular the Inhabitants of this Province that they forbear to molest or otherwise Obstruct any Indians whatsoever in Peace & Amity with this ꝑvince in their hunting Fishing, and fowling or otherwise Setting Trapps within their grounds as the said Indians have formerly been used and accustomed to do On pain of being Prosecuted as disturbers of the Publick Peace According to the utmost Severity of the Law. And to the end that all ꝑsons may have due notice hereof and none plead Ignorance but Conforme themselves thereto I do comand & require the severall Sheriffs of the Respective Counties within this Province duly to publish the same by reading thereof at the several parish Churches in their Counties at the time of divine Service and by Affixing fair Copies thereof at the Court Houses & Church Doors whereof they are not to fail at their Perills. U. H. J. p. 36

Given at the City of Annapolis &c.

God Save the King and the Lord Propry

The house Adjourns till To Morrow Morning p 37

Tuesday June 4[th] 1717

The House meet according to Adjournment

Present as Yesterday. Save Col Young who went on the Conferrence

The following Message being prepared is sent to the Lower House Viz.

By the Uper house of Assembly June 4[th] 1717

Gent. On the Complaint of the Indians of Copanquo Town in Somersett County in relation to some hardships they lie under from the Inhabitants of that County And forasmuch as the Law formerly made to decide differences between the English & Indians within this Province only Impowered some particular ꝑsons in some Counties (most whereof are dead) to make descition of Controversies ariseing not Exceeding Twenty shillings We think it highly necessary that a Law be

U. H. J. made in the nature of the former, but that power to be thereby given to each respective Justice of the Peace within this Province to hear & determine all Disputes between the English and Indians not Exceeding Twenty shillings, With which [we] desire your Concurrence And that a bill be brought in accordingly.

Signed ꝑ order Jno Beard Cl Up ho.

Sent ꝑ Col Coursey who Returns & says he Delivered It.

p. 38 The house adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as in the morning with the addition of Thoˢ Smyth Esqʳ

[On] The Question and Answer about the 13th Article of their Lordships Instructions is Prepared the following message.

By the Uper house of Assembly

June the 4th 1717

Gent. His Excellency having Cōmunicated to this house the 13th Article of his Lordships Instructions to him Viz.

Whereas in the Act made last Sessions of Assembly Entituled an Act for the better Security of the Peace and Safety of his Lordships Governmᵗ and the Protestant Interest within this Province there are these words following, That no ꝑson or ꝑsons wᵗsoever shall be Capable of holding Exercising or Enjoying any Office deputation or trust within this Province whatsoever shall presume to Execute or enjoy any such Office deputation or trust Contrary to the true Intent & meaning of this present Act, the Comission Deputation or Authority
p. 39 of such ꝑson or ꝑsons is made Void And he or they are to suffer the Penalties as by the said Act is Declared which words seem to some so General that they think the Trusts Authorities or Powers granted between man & man in their private Transactions may be affected thereby which is surely more than what is Consonant to the Laws of great Brittain You are therefore to Endeavour that the said Act be Re Enacted with this following Pviso or that some Decla[ra]tory Law or Clause in a Law be made to the same Effect

Provided nevertheless that this present Act or any thing therein Contained shall not Extend or be Construed to Extend to the negotiation or management of the private Affairs of any

ꝑson or ꝑsons whatsoever so as such negotiation or managem[t] U. H. J.
shall not in any wise Relate to the Adm[m] of the Governm[t] of this ꝑvince

And having put the Question to this house whether there is any thing Contained in that Act that Can be deemed or Construed to Extend that the Trusts Authorities or Powers granted between man & man in their Private Transactions is affected thereby.

Tis by this house answered that that Act has no relation to any Trusts Authorities or powers granted between man & man in their private Transactions. We having Offered you this Opinion desire the opinion of your house likewise hereon

Signed ꝑ ord[r] Jn° Beard Cl Up ho.

Sent by Col Addison who returns & says he Del[d] it.

Samuel Young Esq[r] Returns from the Conferrence And lays before this house their report as follows.

Pursuant to an order of the Uper house of Assembly dated p. 40
the 3[d] day of June 1717 M[r] James Lloyd & Cap[t] Tho[s] Truman Greenfield are appointed by the lower house of Assembly to Join with the honourable Samuel Young Esq[r] appointed by the uper house to inspect into the Laws of Maryland for a Law made Anno 1681 for the Punishment of such as shou'd Counterfeit his Lordships Great Seal of this ꝑvince.

We do Report that We have Examined all the Laws that We Can find in the Secretarys Office made in the time of the Lord Baltemores Govrnm[t] And do not find any Law made in that Year to that purpose nor any other Except one Law made at the Session of Assembly Anno 1640 And one other Anno 1649 which Laws we lay before your Excy & Hon[rs] for your Perusal the one Recorded WH folio 8 and the other in a parchm[t] Covered book fol° 147.

Proposed by his Excellency whether It be not proper to bring in A bill for the punishment of those who shall counterfeit his Lordship's greater Seale, Privy Seal or sign manuel or any other the publick Seals of this Province.

Thereupon the fol° Endorsement is made on the Report and Sent to the lower house Viz.

By the Uper house of Assembly June the 4[th] 1717

Gent

On Reading the within Report It is the Opinion of this house that there ought to be a Law to punish the Counter- p. 41
feiters of his Lordships greater Seal Privy Seal or Sign

U. H. J. Manuel or any other of the Publick Sealès of this Province And leave it to your Consideration in what manner to bring in a Bill

Signed p order Jn° Beard Cl. up Ho

Sent by Col. Smyth who returns & says he delivered it

M^r^ Codd & M^r^ Young from the lower house with the fol° Message.

By the Lower House of Assembly June 4^th^ 1717

May It please your Hon^rs^

We have duly Inspected & pused the Act for the better Security of the peace &c of his Ldships Government mentioned in yours p Col Addison and find by the Preamble that the intent & meaning thereof is Exprest to be for the Excludeing all persons from Executing any the Judiciall or Ministeriall Officers of the Government who shall not qualify themselves According to that Act And that the Prohibition in the body of the Act is that in case any pson or psons whatsoever shall presume to Execute or enjoy any such Deputation Office or trust Contrary to the true intent or meaning of that Act that then they are lyable to the penalties therein mentioned upon which we are humbly of Opinion that any trust in Private Affairs can never be presumed to be within the intent and meaning of that Act but are Sufficiently exempted by the Express words thereof, And therefore we Concur with the Opinion of your house

Sign'd p Ord^r^ Mic. Jenifer Cl Lo Ho.

Mess^rs^ Charles Wright & Tobias Pollard brought up an Engrost bill for the Adjournm^t^ of Talbot & Baltemore County Courts Assented to by the Lower house

p. 42 Which being Read is Assented to by this house

The house Adjourns till to morrow morn.

Wednesday June 5^th^ 1717

The House meet according to Adjournment

Present

Col Holland	Phil Lloyd Esq^r^	Col Smyth
Col Coursey	Col Tilghman	&
Col Ennalls	Col Young	Hen: Lowe Esq^r^
Col Addison		

John Rousby Esq^r^ and four Others from the lower house with a Bill Ascertaining the Gauge & Tare of Tob° Hhds and

to prevent croping Cutting and Defaceing Tob° taken on board Ships or Vessels upon freight and for laying Impo^{s} on Tob° by the hhd. for the Support of Governm^{t} &c. Passed by the Lower House U. H. J.

M^{r} Robert Tyler and two others from the Lower house with a bill for quieting differences that may arise between his Lordships Subjects of this Province and the several nations of Indians of what places soever. Passed by the Lower House

Which being Read in this house is Endorsed as follows

June 5th 1717. By the Uper house of Assembly

Read the first time and will pass with the foll° Amendm^{ts} viz. that Instead of (his Lordships Subjects) in the Title, the words (the Inhabitants.) p. 43

Signed p Ord^{r} Jn° Beard Cl up ho.

Sent p M^{r} Henry Lowe, who returns & Says he Delivered it.

The house Adjourns till afternoon

Post Meridiem

The house meet According to Adjournment

Present as in the forenoon

M^{r} Jowles & M^{r} John Fendal from the lower house with an Ingrost bill for quieting Differences that may arise between the English and Indians &c. Assented to by that house and being Read is Assented to by this house.

His Excellency by my Lord Baltemore's Comand lays before this house for their Consideration a Paragraph proposed to be part of the new revenue bill as the terms on which his Lordship is willing to Continue the Act Entituled an Act Ascertaining the Gauge & Tare of Tob° hogsheads And to Prevent Croping Cutting and defaceing Tob° taken on board Ships or Vessels &c as follows

And forasmuch as by the Enlargement of the Tob° hh^{ds} from the late gauge of thirty Inches in the diameter of the head to this Present guage a larger Quantity of tob° will be Exported in each hh^{d} whereby the duty & Imposition on Tob° by the hh^{d} will be Evidently retrencht & lessened unless a just regard be had to the preservation of them in their usuall worth and value which this present Generall Assembly is highly Obliged to the said Impost or duty being to be applyed & paid to the Lord Propr^{y} in recompence & full Satisfaction for his Alienation Fines & Quitt Rents And the better to Enable his p. 44

U. H. J. said Lordship to Support the Government of this Province. And forasmuch as the Imposition of two shillings ꝑ hogshead formerly setled by his Noble Ancestors in Consideration of their Accepting of their Alienation fines & Quitt Rents in Tob° at two pence ꝑ pound determined on the death of Charles late Lord Propʳʸ of this Province, So that the Rents due to this present Lord Propʳʸ are payable in mony And that it would not only tend much to the disappointment of his Lordship in the due Receipt of his Rents but also to the manifest disadvantage of such Tenants, as should hold their Lands under Conditions of such punctuall payments as the Tenour of their grants require and to the disinheriting many who wou'd be Obliged to Surrender their Estates for want of Ability to Comply therewith, which in all ꝑbability wou'd put a great Check to the future Cultivation of the remote & forrest Lands of this ꝑvince And be a Cause to Severall of those remoter Inhabitants to desert their yet but poor Improvements All which Inconveniencies this prsent Genˡˡ Assembly desire may be ꝑvided against. And forasmuch as the Quantity of Tobacco now Usually Exported in an hhᵈ of the Guage by this Act setled Exceeds the quantity which was Comonly reputed to be the Contents of an hhᵈ at the time when the afᵈ Impᵒ of two Shillings ꝑ Hhᵈ was Setled And also that altho the number
p. 45 of Hhᵈˢ Exported are increased since that Time yet for that the Value of his Lordships Rents are much more Increased Be It Enacted by the Right honourable the Lord Propry by and with the advice & Consent of his Lᵈᵖˢ Govʳ and the uper and lower houses of Assembly And by the Authority of the same that from and after the ——— day of this Session of Assembly there shall be raised levyed and Collected to the Right honourable the Lord Propry his heirs and Successors for every hhᵈ of tobᵒ which shall be shiped in any Ship or Vessel to be Exported out of this Province or any the Territories Islands Ports Rivers Creeks or places thereunto belonging the sume of three shillings and three pence Sterl and for every hundred weight of tobacco Exported in Box Chest or barrell six pence half penny Sterling and so ꝑ rato for a greater or lesser quantity in recompence & full Satisfaccon to my Lord Propʳʸ for his Alienation fines & quit rents reserved in mony And the better to Enable his Ldship to support the Government of this Province. Provided always thᵗ the mony which shall be raised by the said duty shall be applyed to those ends for which it is raised in manner following and not otherwise that is to say Three pence of the said three shilling and three pence ꝑ hhᵈ for the purchasing Armes and Amunition for the maintaining a magazine for the better defence of this Province And for due preservation thereof to be collected by the

Navall Officer and paid to the Treasurer or Treasurers of U. H. J.
this ꝑvince for the time being to be disposed of to the Uses afd
As my Lord Propry with the Advice of his Councill or his
Leivt Govr and Councill for the time being in his Lordships
absence shall direct. The other three shillings to be received
and Collected at their severall ports by the Navall Officers for
the time being or such other ꝑson or ꝑsons as my Lord Propry
shall from time to time appoint And by them paid to my Lord
Propry his receiver Generall or such other Officer or officers p. 46
as he shall direct to receive the same. Provided nevertheless
that in the absence of my Lord Propry himself out of this Prov-
ince, one shilling part of the said three shillings and three
pence to be raised by Act be applyed towards the maintaining
the Station & Dignity of his said Lordships Leivt Governour
Actually Inhabiting and Resideing within this ꝑvince And to
such other necessary uses towards the Support and defence of
my Lord Propry Government of this Province as in his Lord-
ships Wisdom to him shall seem meet And in Case of the death
or Absence of such Leivt Governour the one-half of the said
twelve pence applyed to the Support of Government as afd that
shall Arise in such Vacancy shall be applyed to the mainten-
ance and Support of such ꝑson of his Lordships Councill As
his Lordship by his Instructions to his Leivt Govr or otherwise
shall appoint to preside And to such other necessary uses
towards the Support of his Lordships Government as in his
Lordship's Wisdome to him shall seem meet the other half
towards the building an house for his Lordships Leivt Govr
for the Time being to reside in, the mony for the said building
to be lodged in the Publick Treasurers hands and to be applyed
and layn out in such manner & place as my Lord Propry or in
his Absence his Leivt Govr & Councill shall appoint.

Which being approved of by this house Resolved the follow-
ing Message be prepared Viz.

By the Uper house of Assembly June 5th 1717

Gent. His Excellency having Comunicated to this house a p. 47
method ꝑposed by the Lord Propry for that part of the Law
that relates to his revenue and Imposition on Tobacco in lieu
of his Alienation fines and Quit Rents We have Considered
the same & is approved of by this house as Concise & Compre-
hensive of which we desire your Consideration

Signed ꝑ Order Jn° Beard Cl uper ho.

Sent ꝑ Phil Lloyd Esqr Who returns & says he delivered it
John Hall Esqr Comes and is added to this house

U. H. J. Read at this Board the petition of George Walls of Charles County seting forth that he hath resided within the County afd for the space of thirty years in all which time he hath behaved himself Industriously frugally & honestly and hath Endeavoured by all Lawfull means to support himself & family & to pay & Satisfy all his Just debts, But such are his unhappy Circumstances that through the Providence of Almighty God by losses at Sea, by being brought in Debt for several Quantities of Tob° shipt by him in very bad times & by several other disappointments he is become indebted to several ꝑsons in Considerable sums of mony and Tob° for recovery whereof several of the Crs afd have ꝑsecuted him to finall Judgmt & Execution by force whereof he has been detained in the Custody of the Sherriffe of the sd County for near two years last past And still continues without the least hopes of Redemption whereby his family Consisting of a wife & severall small Children are reduced to great want & penury, Wherefore he humbly supplicates his Excellency & this house that leave be given him to bring in a Bill for his relief he being willing to surrender & Deliver up all his Estate of what nature soever to the Creditors afd And Submitt himself Intirely to such Orders & Rules for the Effecting thereof as to his Excy & this House shall seem Expedient.

Which was thus endorst Viz.

By the up Ho: of Assembly June 5. 1717

The within Petition is referred to the Lower house of Assembly.

Signed ꝑ order Jn° Beard Cl Up ho.

p. 48 Read at this Board the Petition of Thomas Mackeel as foll.

To the honourable the Justices of the
Provinciall Court now Sitting

The humble Petition of Thos Mackeel

Humbly Sheweth That whereas I your Honours Petr was sumoned as a Juror to Attend this said Court about two years Past by the Sheriffe of our County And I your said Petitioner makeing the said Sheriffe sensible that I had served four Courts runing before as a Juror did begg of the said Sherriffe that I might be Exempted at that time and He promiseing that I shoud not be returned on the said Pannell but Multiplicity of business of the sd Sherriffe which Caused me your Honrs Petr to be Returned And I trusting to the promise of the said Sherriffe which caus'd me not to give my Attendance at the same time And for my so doing I your said Petr am fined One

thousand pounds of Tobacco, Therefore I humbly Crave the favour of your Hon^rs that the said fine may be remitted. And in so doing I your Petitioner shall as in duty ever be bound to pray U. H. J.

Thomas Mackeel

On the back whereof was endorsed as foll Viz. Upon the Complaint of Thomas Mackeel the within Petitioner unto me the Subscriber who was formerly Sherriffe of Dorchester County the said Mackeel Complained to me that John Edmondson who was my Deputy had sumoned him for a Juryman to attend at Annapolis in the Provinciall Court and that he thought it was very hard to serve then for Declared that he had served every Court in the said Provinciall in Major Wollfords time for almost two years past And upon the Complaint af^d I did partly ꝑmise to Excuse the said Mackeel if I coud get another but believe my Deputy through forgettfulness did return the sd Mackeel as a Juror. p. 49

Phil Feddeman

Sworn to in the Provinciall Court April the 10^th^ 1717

Test John Beale Clk.

By the Provinciall Court April the 10. 1717.

The within named Thomas Mackeel is referred by the Justices of this Court to his Excellency the Gov^r & honble Councill for his relief the Court having Examined into the Truth of his Petition

Test John Beale Clk.

On Consideration of the Premises tis Resolved that the fine be remitted the Petitioner And that the foll° Endorsm^t be made thereon Viz.

June the 5th 1717

This Petition Read & granted by his Excellency in the uper house of Assembly.

Test John Beard Cl up ho.

The House Adjourns till to morrow morning

Thursday June the 6th 1717

The House meet according to Adjournm^t

Present

His Excellency Jno Hart Esq^r Governour p. 50

Col W^m^ Holland	Col Tho^s^ Addison
Col W^m^ Coursey	John Hall Esq^r^
Col Tho^s^ Ennalls	Col Ric^d^ Tilghman

U. H. J. Maurice Birchfield Esq[r] his Majesty's Surveyour Generall Appears at this board to whom his Excellency Offers a list of fees taken by the Naval Officers of this province On which his Excellency desires his Opinion, Who answers he has nothing to object against them, Provided they do not Exceed those now Offered him Viz.

	£ s d
For entring or Clearing a Ship or Vessell if under one hundred Tons each	0.. 5..0
if above One Hundred Tons Each	0..10..0
for a ꝑmitt	0.. 2..6
for an Impost Bond	.. 5..0
for a Navigation Bond	.. 5..0
for a Cert with manifest of goods Imported	.. 5..0
for every Oath made of goods	.. 1..0
for Recording & Transmitting a Ship's Reg[r]	.. 5..0
for approveing & fileing a Certificate & Discharging a navigation Bond	.. 5..0
For Certificate to discharge navigation Bond	.. 5..0

June the 6th. 1717

John Rousby Nav[l] Officer of Petuxent
W Bladen Naval Officer of Port of Annap[s]
John Phelpes Nav[l] Officer of Potowmack

p. 51 His Excellency acquaints this house that he had received Instructions from home that there are great Complaints made by the masters of ships of the Naval Officers and Collectors that they Charge Extravagant fees on their entring and Clearing Vessels and having Examined and Setled a Table of fees for the Collectors of this ꝑvince with Maurice Birchfield Esq[r] his Majesty's Surveyour General lays the same before this house Viz.

A Table of fees taken by the Several Collectors in the Province of Maryland for foreign Vessells.

	£ s d
To entring and Clearing a Ship of 100 Tons	1.. 0..0
To entring and Clearing a Ship under 100 Tons	..10..
To a Pmitt	.. 2..6
To a Navigation bond	.. 5..0
To a Certificate to discharge navigation bond	.. 5..0
To every Oath Administred	.. 1..0
To a Certificate to Export goods out of this Pvince	.. 5..0
To Transmitting & Recording a Vessells Reg[r]	.. 5..0

Col John Ward with two others from the lower house with a Supplementary Act to the Act for Limitacōn of Officers Fees passed by that house U. H. J.

Which being Read here is sent to the Lower house wth the foll^{o} Endorsement. Viz

By the Upper House of Assembly

June 6th 1717

Read the first Time and will pass with the amendment proposed Viz. The Officer to loose such fees if Expressed in Words cutt off or Abbreviated And if any the publick Officers of this Province having made out his fees in words abbreviated Contrary to the true Intent & meaning of this Act that then such Officer Insisting on the levying of such fees as af^{d} shall be fined five hundred pounds of Tobacco.

And Whereas Complaint has been made to his Excellency by his Maj^{tys} Comissioners of the Customes in Great Brittain of the fees taken by the Naval Officers & Collectors in this Pvince. this board has proceeded to settle the Collectors fees as by the list herewith sent appears (to which His Maj^{tys} Surveyor Generall being present gave his Approbation as being Just & Reasonable, Also the Naval Officers fees being setled by this house as by the list likewise sent, which are both recomended you to be added to this Act p. 52

Signed ꝑ Order Jn^{o} Beard Cl up ho.

Sent ꝑ M^{r} Henry Lowe Who returns & Says he D^{d} it.

Col Hynson & two others with a Bill for laying an Additional duty of twenty Shillings Curr^{t} mony ꝑ poll on Irish Servants being Papists to prevent the growth of Popery by the Importation of too great a number of them into this Pvince. And also An Additionall duty of twenty Shillings Curr^{t} mony ꝑ poll on all negroes for raising a Supply towards the defraying the publick Charge of this Province

Which being Read the foll^{o} Message is prepared.

By the Uper house of Assembly June 6th 1717

Gent. On Reading this Bill we do not find any Appropriation of the Additional duty in the body of it, but seems to be designed by the Title towards defraying the pub: Charge of this Province, therefore are of opinion it would be proper to apply it to the use of Free Schools which seems to call upon you for your Utmost Endeavours to Encourage them. p. 53

Signed ꝑ order Jno Beard Cl up ho.

Sent down to the Lower house with the bill Endorsed.

U. H. J. By the uper house of Assembly June 6th 1717

This Bill Read the first time and will pass with the Amendmts proposed

Signed p order Jn° Beard Cl up ho.

Sent by Phill Lloyd & Thos Smyth Esqrs who returne & say they delivered them

Major Wilson & two others with a Bill for building a Court House for Cecill County;

Passed by the Lo Ho. Read in this House and will pass. Sent to the lower house by Col Young who returns & says He Deld it

Col Edward Scott & two others from the Lower house with a Supplementary Bill to the Act relateing to Servants and Slaves. Which being Read the Question being put whether it shall pass or not, Resolved it pass And Endorsed Accordingly And sent down by Col Holland.

The house Adjourns till Afternoon

Post Meridiem.

The House meet according to Adjournment,

p. 54 Present as in the morning

Capt Colegate and three others brought from the lower house A Bill for regulateing Ordinaries.

On Reading whereof his Excellency is pleased to say to this house as foll:

His Lordship in the Eleventh Article of my Instructions already laid before you Asserts the Ordinary Lycences to be undoubtedly in his Lordship and then disposes of them as his Lordship thinks fitt, being a branch of his prerogative, And therefore I cannot in his Lordships name Pass this Bill into An Act which takes from his Lordship's Right and gives it him only as a Compliment And hope the lower house will think Convenient to alter some part of the Preamble to this Bill

Whereupon the following Message is prepared Viz.

By the Uper Ho: of Assembly June 6th 1717.

Gent.

On Reading the bill brought from your house by Capt Colegate and three others for regulateing Ordinaries his Ex-

cellency is pleased to say as foll° His L^d^ship in the Eleventh Article of my Instructions already laid before you Asserts the Ordinary Lycences to be undoubtedly in his Lordship and then disposes of them as his Lordship thinks fitt, being a branch of his Prerogative And therefore I cannot in his L^d^ships name Pass this bill into An Act, which takes from his Lordship's right and gives it him only as a Complim^t^ And hope the lower house will think Convenient to alter some part of the Preamble to this Bill. U. H. J.

Whereupon you may ꝑceive that the Law Cannot pass with the Preamble as it now stands, And We must further Observe to you that We are of opinion that the Right of granting Ordinary Lycences is in the Lord Propry nothing having yet appeared to us shewing the Contrary But if you Cannot Come up to our Opinion We desire you'l Join in a Conference with some members of this house whereby we hope to Convince you of the Reasonableness thereof p. 55

Signed ꝑ order John Beard Cl up ho.

Sent to the lower house with the bill ꝑ Col Coursey & Col Smyth, who returne & say they Delivered them

Col John Mackall and three others with a Bill for punishment of such as shall Counterfeit the Lord Propry greater or lesser Seale at Armes within this Province.

Passed by the Lower house, And On Reading thereof here the following Message prepared.

By the Uper Ho: of Assembly June 6^th^ 1717

Gent. This bill being Read t'will pass with the Amendm^ts^ proposed Viz. That the ꝑson Convicted of any the Crimes in this Act mentioned shall be whipt with thirty nine lashes, stand in the Pillory two Hours & be banished this Province for ever, Instead of being punished by having both his Ears cut off

Signed ꝑ order Jn° Beard Cl Up ho.

Sent ꝑ Esq^r^ Hall who returns & says he Delivered it. M^r^ Robert Tyler & five Other members from the Lower House with the following Message.

By the Lower Ho of Assembly June 6. 1717

May It please yo^r^ Hon^rs^

On Reading your Message by Col Coursey and Col Smyth on the bill for regulateing Ordinaries We Cannot Concurr with the Opinion of your house And therefore have Resolved that the Conference be granted and that M^r^ Tyler Col John p. 56

U. H. J. Mackall Capt. S[t] Leiger Codd Col James Maxwell M[r] Joseph Hill & Capt. Rich[d] Colegate be appointed to Conferr with the Conferees to be named by your house and desire your hon[rs] will Appoint the Time & place

Signed p order Mic: Jenifer Cl Lo. Ho.

Which being Read Resolved the following Message be sent in answer

By the Up[r] ho of Assembly June 6[th] 1717

Gentlemen. In answer to your Message by M[r] Tyler and five other members of your house we have appointed Col Coursey Esq[r] Lloyd and Col Tilghman three of the members of our house to Conferr with the Gent mentioned in your message about the Act for regulateing Ordinaries who are ready to Join with you at the house of M[r] John Dodd in the City of Annapolis at six of the Clock this Evening

Signed p order Jn° Beard Cl Up ho.

Sent p the Conferrees

Die Jovis Junii 6[th] 1717

p. 57 The Complaint of Moses Lecompt of Dorchester County against the Justices of that Court, And also against M[r] John Kirk an Attorny thereof being heard this day by his Excellency the Gov[r] in Council. And It appearing that the said Attorney had Imposed upon the Justices by obtrudeing Authorities of the Law and practice of England against the known Practice and Act of Assembly of this Province for sum̄oning Iurors, His Excellency was pleased to tell the said Justices that as they had been so Imposed upon by the af[d] M[r] John Kirk It would not Consist with their honour or Justice to suffer it but that they Ought to suspend the said Kirk from his Practice in that Court untill such time as he shall make the said Moses Lecompt Satisfaccon for the Damage he has sustained by such his indirect Practice.

The House Adjourns till to morrow morning

Friday June the 7[th] 1717.

The House meet According to Adjournment

Present as yesterday

The Conferrees Return and make their Report as foll.

Att a Conferrence held at the house of Mr John Dodd on Thursday June 6th 1717 In relation to An Act to be made for Regulating Ordinaries &c. U. H. J.

The Conferrees appointed are

The Honble { Col Wm Coursey, Phil Loyd Esqr &, Col Ricd Tilghman } Of the Uper House of Assembly

The Honble { Col Jno Mackall, Mr Robert Tyler, Capt St Leiger Codd, Col James Maxwell, Mr Jos. Hill &, Capt Rich Colegate } of the lower house of Assembly p. 58

The Committee Adjourns till six a Clock to morrow morning

Friday morning June 7th

The Conferrees meet According to Adjournment prsent as above

Whereupon the said Conferrees proceed to Consider the Subject matter of their meeting Concerning the Act afd And upon due Consideration & debate thereof, the said Conferrees agreed that instead of the words mentioned in the preamble of the said Law, accept of those Fines &c. these words following be inserted Viz. Accept of our readiness in laying the fines proposed on the Ordinary Lycences. Which we humbly referr to the Consideration of the uper house.

Signed p Order Jno Beale Cl Conferrees

Mr John Rousby and three others with a bill ascertaining the Guage & Tare of Tobo hhds And to prevent Cropping Cutting & defaceing Tobacco taken on board Ships or Vessels upon freight & for laying Impositions on Tobacco by the hogshead &c. Amended, With the following Message

By the lower house of Assembly June 7th 1717

May it please your Honrs

We have Considered your honrs message by Philemon Lloyd Esqr of yesterday with the method proposed as a regulation of the Law relateing to his Lordship's revenue And by that it seems their Lordships understand the giving up the quit rents and Alienation fines as an Inducement to the raising the whole duty of three shillings and three pence p hogshead which never was the sense of the Country but that the fifteen pence p. 59

U. H. J. part thereof was purely raised for the support of Government without any other Consideration

We find by the Law made in 1670 the only Consideration for raising the two shill ꝑ hhd was that of supporting Government so necessary to all Comunities, and the application in lieu of the rents is only made by way of ꝑviso in that Law And nothing appears in any the latter Acts that can be reasonably understood to raise the two shillings merely in Consideracon of the easy payment of the rents & fines And if It shou'd be now suggested by the Act as ꝑposed that the Easy paymt of the rents &c. is our only Inducement to raise that Sum it might be fairly Suggested we are unjust Stewards to the Country in raising so much in lieu of the Rents beyond their Value And a People unworthy to reap the benefitts of Government by raising nothing to it's Support, And since we are Apprehensive the Proposalls sent us might admitt of such Constructions we Cannot Consent to the Alterations any Other ways than as it now stands, And pray your Honrs Assent thereto

Signed ꝑ order Mic: Jenifer Cl Lo Ho.

Resolved it pass, therefore so Endorsed and sent to the Lower house ꝑ Col Holland & Col Coursey

p. 60 His Excellency laid before this house the nineth Article of their Lordship's Instructions to him

Thereupon Resolved the following message be sent to the Lower house Viz.

By the Uper house of Assembly, June 7th 1717

Gent. His Excellency having Comunicated to this house the following Article of the Lord Propry Instructions to him. We referr it to the Consideration of your house Viz.

Whereas eight ꝑ Cent without our Privity or Knowledge has been deducted out of the Eighteen pence ꝑ hogshead And as it were against our Consent when the Condition on which we declared to you that we were willing to agree to the Law made in our ever honoured Father's life time was provisionally that the mony given by the new intended Law shoud be made payable to ourselves and nothing being at all then or therein mentioned of a Deduction for the Naval Officers for their Collecting thereof And we having ready Officers of our own Whose Sallarys for that year we must pay and Who was suffered to Collect the Tunage of Ships only we think it Just & Equitable that the said Eight ꝑ Cent be made good to us and Cannot think it either becomes the Naval Officers or any body for them to be their own Carvers but that they ought to leave

us to give our own Officers what We think fitt for their Service. U. H. J.

Signed p order Jno Beard Cl Up ho.

Sent p Col W^m^ Holland who returns & says He Delivered it.

James Harris Esq^r^ with two others from the lower house with the following Engrost Bills Viz. p. 61

A Bill for punishment of such as shall Counterfeit the greater or lesser Seale at Armes within this pvince

A Bill for laying an Additional Duty of Twenty Shillings Curr^t^ mony p poll on all Irish Servants being Papists to prevent the growth of Popery by the Import of too great a number of them into this Province And also the Additional duty of Twenty Shillings Curr^t^ mony p poll on all negroes for raising a fund for the use of Publick Schools within the severall Counties within this Province

A Bill for building a Court house on Longpoint in Bohemia Mannour and on the east side of a Creek Called broad Creek on Elk River in Cecill County

A Supplementary Bill to the Act relating to Servants and Slaves.

All Assented to by the Lower house

And being Read are Assented to by this house And the honble John Hall Esq^r^ Sent to Acquaint the Lower House thereof

Col John Mackall and three Others with a bill for Regulating Ordinaries Amended according to Report of the Conferees

Passed by the Lower house

Read here and will pass.

Sent p Phil Lloyd Esq^r^ & Col Tilghman Who return & say they Delivered it.

John Brannock and John Meekins from the lower house with a Petition of the Inhabitants of Dorchester County which is referred to the Consideration of the next Sessions And Ordered Sumons for Goovert Loockerman & Philip Feddeman to appear then. p. 62

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as in the morning

A Supplementary Bill to the Act for Ascertaining the

U. H. J. bounds of Lands within this Province Prepared by this house and sent to the Lower house by Col° Richard Tilghman

Col Holland and nine others of the Gov^rs & Visitors of the Free Schools sent down to the Lower house with the foll° Address Viz.

To the Honble The G^rall Assembly now sitting, The Address and representation of the Rect^r Governours & Visitors of the Free schools of Maryland

We the Rectors Gov^rs & Visitors af^d having upon sundry meetings & Consultations had for the Propagation of the said Schools observed that the funds for Support thereof raised
p. 63 on the Exportation of beef Pork & Furs amount to a very small Income scarce Twenty pounds ꝑ Annum so that the present School at Annapolis can hardly subsist but as it is supported by the Subscriptions of Sundry Charitable ꝑsons Who have subscribed thereto And that there is not any probability much longer to Continue even that upon the Establishm^t it is now upon much less to Establish other schools And for that We are Equally Concerned that all the other Counties in this Province shoud be Destitute of so necessary and beneficiall Establishm^t of a School in each of them for the Instructing their youth in good literature & manners.

Presumeing upon the pious & good Inclinations of this present Gen^ll Assembly, We do hereby address you that you woud be pleased in favour to the youth of this Province whose Unhappiness in the want of schools is much rather to be Lamented than their Application & Improvement doubted off had they the means provided to Assist their Studies for the better propagating & supporting the said Schools to give leave that a bill might be brought in this Present Session Declaring that whereas many ꝑsons not being anywise of Kin or otherwise legally representing sundry Intestates often by ꝑtence of small Claims due from such Estates gain the Adm^rns thereof & Convert the whole farr more than will satisfy their just Claims or demands to their proper uses without being anywise accountable therefore that such Adm^rs may be Obliged to Account for the Residue of such Intestates' Estates and pay
p. 64 the ballances thereof to the Rectors Governours & Visitors of the Free schools for the Use & propagation thereof Which we Conceive may be an Additionall support to the said Schools And no ways prejudiciall to any body

Further we begg your kind Assistance that there may be a Clause added to the said Bill That fforasmuch as there is a ballance of an Account due to the Schools from the Estate of Col Thomas Smithson late Publick Trea^r of the Eastern Shoar

Amounting to the sume of £197..4^{s}..1^{d} Curr^{t} money of this U. H. J.
Province which his Ex^{cx} allows to be in her hands but is unwilling to pay the same On pretence that Debts of an higher nature may be brought in against the dec^{ds} Estate.

Yet forasmuch as the said Sum of £197..4^{s}..1^{d} was money raised upon a Publick fund and for a publick use the same may be declared and deemed a Debt of an higher nature than any others due from the said Col Smithsons Estate And the said Exec^{rx} Justified in the payment thereof to the Rectors & Visitors af^{d} against any future Claims which may be brought in ag^{t} her s^{d} Husband's Estate.

Signed p ord^{r} F. Mercier Reg^{r}

Mess^{rs} Samuel Hanson and Peter Taylor from the lower p. 65
House with a bill for relief of George Walls Passed by that house

And being Read here will pass And accordingly endorsed and sent down by Col Young Who returns & says he D^{d} it.

Col Scott and two others from the lower house with a Bill for the Publication of Marriages passed by the Lower house

Read and passed by this house and so Endorsed. And sent down by Col^{o} Coursey, who returns and says he D^{d} it

Col Scott and William Young from the lower house with a bill Impowring John Oldham of Talbot County Gent to erect & build a Windmill in the Town and Port of Oxford on the Town Point in Talbot County; Passed by the Lower house.

Read and passed by this house and Sent down p John Hall Esq^{r} who returns & says he D^{d} it

The House Adjourns till to morrow Morning.

Saturday June 8th 1717

The house meet According to Adjournment

Present as yesterday

Cap^{t} Greenfield and two others brought up from the Lower house the Engrosed Bill Ascertaining the Guage & Tare of Tobacco hogheads &c. Assented to by the Lower house

Read and Assented to by this house And the honble Tho^{s} p. 66
Smyth Esq^{r} sent to acquaint the Lower Ho thereof.

M^{r} Robert Tyler & Major Emerson from the lower house with the Engrossed bill for regulateing Ordinaries Assented to by the Lower house

And Read and Assented to by this house. And Tho^{s} Smyth Esq^{r} sent to Acquaint the Lower house thereof

U. H. J. Major Josiah Wilson & W^m^ Turbutt from the lower house with the two foll^o^ Engrost bills Viz.

An Act Impowering John Oldham of Talbot County to Erect and build a wind mill in the Town & Port of Oxford &c.

An Act for Publication of Marriages and to Prevent unlawfull marriages

Both assented to by the lower house And being Read are Assented to by this house

And Tho^s^ Smyth Esq^r^ sent to Acquaint the Lower Ho thereof

Mess^rs^ Tho^s^ Truman Greenfield and Edward Wright brought up a Supplement to the Act for Ascertaining the bounds of Lands

Being Read in this house the following message is Prepared and sent to the Lo Ho Viz

Gent. By the uper ho: of Assembly, June 8^th^ 1717

p. 67 We take notice that the Allowance to the Com^rs^ of the review is no more than what is given to the first Comissioners And as we think it highly reasonable that there should be some mark of Distinction, One of the Comissioners of the review being to be either of his Lordships honourable Councill or of the Provinciall Judges And farther that it is very probable they will be required to Travail to several Counties remote from their habitacon which by the Provision that is made will not be Sufficient to defray their Necessary Charge.

This is referred to your Consideration 'tho for the good of our Country we are willing at this time so usefull a bill shoud Pass.

Signed p order Jno Beard Cl Up. ho.

Sent p Col Addison who returns & Says he Delivered it

Prepared A Bill Indemnifying Col Smithson's Executrix in the payment of money due to the Free Schools. Read in this house and sent to the lower house by Col Coursey who returns & says he delivered it

John Rousby Esq^r^ and two others with the Journall of the Comittee of Accounts Assented to by the Lower Ho:

And being examined, Assented to In this house and sent down by Col Young who returns & says he D^d^ it

The House adjourns till Afternoon

Post Meridiem U. H. J.

The House meet according to Adjournm^{t}

Present as in the morning

John Rousby Esq^{r} and M^{r} W^{m} Young brought the Ingrost bill for Indemnifying Col Smithsons Ex^{rx} in the payment of mony due to Free schools Assented to by the Lower house. Read in this house and Assented to. And Col Samuel Young sent to Acquaint the Lo: Ho: thereof p. 68

Col Edward Scott and M^{r} Henry Peregrine Jowles from the lower house with two Engrost Bills Viz.

A Bill for relief of George Walls a Languishing Prisoner in Charles County

A Supplementary Act to the Act for ascertaining the bounds of Land within this ꝑvince.

both past by the Lower Ho And being Read is Past by this. And John Hall Esq^{r} sent to Acquaint the Lower house thereof.

Major Josiah Wilson and two others with the following message.

By the lower house of Assembly June 8th 1717

May It please Yo^{r} Hon^{rs}. We find by the Act made the 26th day of Aprill 1715 that the 18^{d} ꝑ hh^{d} was raised to the Right honble Benedict Leonard Lord Baltemore in lieu & Stead of the 12^{d} ꝑ hh^{d} raised to the late Lord Charles Baltemore in Consideration of his takeing his Quit Rents and Alienation fines in Tobacco at 2^{d} ꝑ lb and was to be paid to the severall Naval Officers by the master of every Ship or Vessell &c. That the Navall Officers on receipt of the 18^{d} ꝑ hh^{d} were obliged p. 69 to render An Account of and pay the same to the Publick Treasurers of this Province to be by the Treasurers accounted for and paid to the Right Hon^{able} Benedict Leonard Lord Baltemore in Case he shoud be favourably pleased to accept the same in Consideration of his receiving the Quit Rents and Alienation ffines in tobacco at 2^{d} Sterl ꝑ lb. after such Acceptance shoud be duly signifyed to this Province otherwise the said mony was to be applyed to the defraying the publick Charge

We also find by an Act past the 9th August Last to Confirm his Lordships Acceptance of the said 18^{d} ꝑ hh^{d} (which his Lordship has signifyed his Assent to) that his Lordship was willing to accept of the said 18^{d} ꝑ hh^{d} on the Conditions mentioned in that Law.

We presume his Lordship Accepted the s^{d} mony as then Raised and therefore we hope his Lordship Cannot Esteem it a

U. H. J. Carving for themselves that the Navall Officers have Charged eight ꝑ Cent for receiving since that is the Sallary allowed them by Law for their Collections, And we Apprehend his Lordship or his Agent here Coud not be otherwise than privy to the manner of the Collection since tis directed in the body of the Law. And the mony being Actually Collected by the Navall Officers before his Lordships Acceptance Signifyed We Cannot think of what service his Lordships own Officers cou'd be in the Collecting that mony which was but Conditionally raised or that such Charge Cou'd be any Surprize upon his Lordships Agent

p. 70 But if these reasons will not sufficiently weigh with your honours to exempt us from the reimbursing my Lord the Eight ꝑ Cent Sallary af^{d} We must humbly desire that your honours will Consent to have the same referred till next Session being in hopes that the business of this Session is near a Conclusion

Signed ꝑ order Mic. Jenifer Cl Lo Ho.

Thereupon the following message Prepared

By the Uper ho: of Assembly
Saturday June 8th 1717

Gent. On reading your message by Major Wilson & two others relateing to the Eight ꝑ Cent We Agree the Consideration thereof be referred to the next Session of Assembly

Signed ꝑ order Jn^{o} Beard Cl Up ho.

Sent down by Col Addison who returns & says he D^{d} it

M^{r} William Turbutt and Major Tho^{s} Emerson from the lower house with a Supplementary Act to the Act for Limitation of Officers Fees Engrossed Passed by the Lower house, which his Ex^{cy} comunicated to Maurice Birchfield Esq^{r} his Majestys Surveyor Generall And being Read is Assented to by this house, And Endorsed

Leivt Col Samuel Young Col Thomas Addison Phil Lloyd Esq^{r} & Col^{o} Rich^{d} Tilghman appointed to be of the Comittee for Laying the Pub: Levy (for this house) with some of the members of the Lower House

p. 71 Col John Mackall and two others from the lower house with a bill for laying the Publick Levy Passed by the Lower house And being Read is Passed by this house And sent back to the Lower house.

The following Address being prepared and signed by his Excellency and this house is sent to the Lower house by Col

Coursey Col Young John Hall Esq^{r} Col Addison Col Smyth U. H. J.
Col Tilghman & Henry Lowe Esq^{r} Viz.

To the Kings most Excellent Majesty

The humble Address of the Lievt^{t} Gov^{r} and General Assembly of Maryland

We your Majestys Dutiful and Loyall Subjects of the Province of Maryland, the Leivt^{t} Gov^{r} and uper and lower houses of Assembly Convened under the Right honourable Charles Lord Baron of Baltimore the Lord Propry of this Province humbly begg leave to Congratulate your Majesty upon your glorious & happy successes against all the Inveterate & declared Enemies of your Majestys August house Who by their wicked & restless practices have of late Assiduously attempted the Subversion of our happily Establisht Constitution by endeavouring to Impose a Pretender upon us and by engaging in a second barbarous & treasonable design of Involveing your Majestys Subjects by the Assistance of foreign powers in an Intestine bloody and destructive Warr p. 72
providentially prevented by the discovery of those treasonable Practices concerted and carryed on by a publick minister of Sweden in the very metropolis of your Majty's Dominions.

May Continued Successes against all yo^{r} enemies both at home and abroad ever attend you And Heaven grant you your hearts Desire, We being Convinced by the Joyfull Experience of your Majestys known wisdom Magnanimity and Clemency that whatever may be in yo^{r} Power will always Terminate in the happiness of your People

Since the Time that your Majesty out of your Princely beneficence has been graciously pleased to restore our Lord Prop^{ry} (upon his Father's death And his Convertion to the Church of England) his Government of this Peaceable and flourishing Province peopled at the Charge & Industry of his Ancestors We Cannot Omitt takeing notice of his Lordships early Zeale for the Religion he now ꝑfesses by the many good laws he has already past tending to the Support of the ꝑtestant Interest, the ease of the People in the paym^{t} of their rents And the Increase of the Trade of this Province so beneficiall to your Majesty's Kingdom and Dominions

We pray God to Continue your Majesty a blessing to all p. 73
your People And that as we have the happiness to be under your Majestys gracious & powerfull Protection so we will Always endeavour to approve ourselves to your Majesty and your August house, Truly Loyal humble &

Obedient Subjects & Servants

U. H. J. William Turbutt & James Lloyd brought up an Engrost bill Impowering a Comittee to lay Assess and apportion the Publick Levy for this present year 1717 Assented to by the lower house. Read and Assented to by this house

The following Address being prepared is signed by the Members of the uper house of Assembly as follows Viz.

To the Right honourable Charles
Absolute Lord and Propry of
the Provinces of Maryland & Avalon
Lord Baron of Baltimore. And To
Francis Lord Guilford his
Lordships Noble Guardian

The humble Address of your Lordships
Uper house of Assembly

My Lords:

It was with the greatest Satisfaction Imaginable that we fell upon the Consideration of your Ldships kind Speech to both houses of Assembly wherein you were pleased to Express
p. 74 your Zealous Inclinations for advanceing the Welfare & Prosperity of this your Province of Maryland And at the same time Promise that the Comon good thereof shoud be inseperable from your Lordships own Interest.

We must acknowledge ourselves most Sensibly touched with the Greatness of your Lordships Considerations putting us upon an Establishment that is Intirely Protestant whereby the very Grounds and motives of those Jealousies which of late made your Lordships Protestant Tenants very uneasie are Effectually removed and room made for the truly Charitable and Christian Spiritt of the Church of England to shew how Indulgent she is to the professors of the Romish Religion altho at the same time she knows them to be her Irreconcileable Enemies nor can any thing be wanting to the Security of the Papists here, whilst they demean themselves as good Subjects to our King forbearing & discountenanceing all evil practices that may render them Obnoxious to the Government.

We heartily thank your Lordships for Comending our Zeal & Loyalty for his Majesty's Sacred ꝑson and the Succession in the Illustrious house of Hannover for your approbation thereof manifestly discovers that we have happily fallen in with your Lordships Sentiments that Religion Liberty and Property are only secured to true English men by the blessing of Providence which already hath And as we hope always will protectt our glorious monarch King George And the Royal

descendants from his Loynes in a secure & lasting succession U. H. J.
to the Imperial Crown of Great Brittain

My Lords. Having Taken into our serious Consideration
that part of your Lordships Speech relateing to the Applica- p. 75
tion of the 12^{d} ꝑ hogshead to your Leïvt^{t} Governour for the
time being, We must humbly Confess, that Zeal for our
Present Governour in whose ꝑson We found that the Protest-
ant Interest of Maryland was designed to be Attackt Carryed
us a greater length in that Affair than we should otherwise
have gone, nor have we any thing more to plead for Justifica-
tion therein Than that as the Generall Assembly had made
the application of that whole twelve pence ꝑ hogshead Origin-
ally designed for the support of Government unto your Lord-
ships Leivt^{t} Governour only so did they in like manner take
Care to defray the Comon & Emergent necessities of Govern-
ment without suffering any Charge at all to be laid upon any
of the several branches of your Lordships Revenue within
this ꝑvince.

But forasmuch as your Lordships are of Opinion that the
twelve pence ꝑ hogshead be applyed towards the maintaining
the Station & Dignity of your Lordships Leivten^{t} Gov^{r} Actu-
ally Inhabiting and Residing wthin this Province And to other
necessary uses towards the Support & defence of this Prov-
ince. We together with the lower house by An Act made
this Present Session of Assembly have fallen entirely into your
Lordships measures, And must at the Same time make our
humble Acknowledgments to your Lordships for putting us in p. 76
mind of the only Proper Application of that branch of the
Revenue.

We are sensible of your Lordships favour & good Will in
Consenting to An Act tending so much to the relief of the poor
& more numerous part of your Lordships tenants And shall
at all times think it our duty to engage the people's Affections
to your Lordships by Letting them know your good Inclina-
tions to secure the Liberties of English men unto them to
ease them in the payment of their rents and to advance the
Trade of this Province

My Lords: We take upon ourselves in the last place to
assure you that we are fully resolved to ꝑserve a gratefull
resentment of all your Lordships Condescentions to us And
that it shall be our Constant Endeavours as much as in us lies
to Cultivate Peace & Unity among the Inhabitants of this our
Province of what ꝑsuation soever that with one heart we
may all applaud the Wisdom & Conduct of our Lord Prop^{ry}
and his noble Guardian And with one mind Imploy our Joint

U. H. J. Endeavours to make Maryland flourish under the noble Family of Baltemore

My Lords your Lordship's most obedient humble Servants.

Thomas Brooke	John Hall
W^m^ Holland	Phil Lloyd
W^m^ Coursey	Ric^d^ Tilghman
Tho^s^ Ennalls	Tho^s^ Smyth
Sam^l^ Young	Henry Lowe jun^r^
Tho^s^ Addison	

p. 77 His Excellency is pleased to ask the opinion of this House to what time they think it may be proper to prorogue the Generall Assembly

Advised and Resolved that the Assembly be Prorogued till the first day of October next

Major Josiah Wilson with Eleven others bring from the lower house the Address from his Excy The Hon^rble^ Councill and the Lower house of Assembly to his most sacred Majesty, Signed by the members of that house. Who acquaint his Excy that they have nothing lying before them to be dispatcht this Sessions

Thereupon Ordered that Col W^m^ Coursey & Col Richard Tilghman go to the Lower house and Acquaint M^r^ Speaker and the Delegates of that house that his Excellency Comands them to Attend him in the Councill Chamber to see the Laws made this Session, Sealed and receive their Assent. Who ret^d^ & say they d^d^ the message.

Accordingly Appeared M^r^ Speaker And the members of the Lower house, and saw the following Acts sealed with his Lordships Greater Seale of this Province, And Assented to by
p. 78 his Excy on behalf of the Right Honrble the Lord Propry of this Province Viz.

1^st^ An Act for the Adjournment of Talbot & Baltemore County Courts

2^nd^ An Act for quieting differences between the English and Indians of what places soever

3^d^ An Act for the Punishment of such as shall Counterfeit his Lordships Seales &c.

4^th^ An Act for building a Court house for Cecill County

5^th^ An Act laying an Additionall duty of 20^s^ Curr^t^ mony p poll on Irish Papists & negroes &c.

6 A Supplementary Act to the Act relateing to Servants and Slaves.

7 An Act Ascertaining the Guage & Tare of Tob° hogs- U. H. J.
heads &c

8 An Act for Regulateing Ordinaries

9 An Act for the Publication of Marriages

10 An Act Impowering John Oldham to build a Wind Mill on the strand on Oxford Town Point.

11. An Act secureing Mary Smithson on the paym^{t} of a Debt due from the Estate of Col Thomas Smithson to the Rector Governour & Visitors of the Free Schools

12. An Act for the relief of George Walls a languishing Prisoner of Charles County

13. A Supplementary Act to the Act for ascertaining the bounds of Land within this Province

14. A Supplementary Act to the Act for Limitation of Officers Fees

15. An Act Impowering a Committee to lay and Assess the P. 79
Publick Levy for the year 1717.

After which his Excellency is pleased to Prorogue the Assembly as foll

Gent. With the Advice of the Right honourable the Lord Proprys Councill I have thought fitt and do hereby Prorogue this Present Generall Assembly untill the first day of October next ensuing, and do require you to take notice that you are accordingly Prorogued

So Ends this Second Session of Assembly held for this Province since His Lordship the Right Honourable Charles Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been restored to his Government of this Province This eighth day of June in the second year of his said Lordships Dominion &c Annoq Dmi 1717.

Test

Jno Beard
Clk uper house of Assembly

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, May 28–June 8, 1717.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J. Original not paged

Att A Session of Assembly by Prorogation from the tenth day of August Anno Dmi Seventeen hundred and Sixteen held at the City of Annapolis in Ann Arundell County on Tuesday the Twenty Eighth day of May in the second year of the Dominion of the right honble Charles absolute Lord and Prop^{ry} of the Province of Maryland & Avalon, Lord Baron of Baltemore &c. Appeared in the lower House of the Generall Assembly of the said Province,

The honble Coll: Math: Tilghman Ward Speaker.

Saint Mary's
M^{r} Thomas Waughop

Baltemore
Cap^{t} Rich^{d} Colegate

Kent
James Harris Esq^{r}
L^{t} Coll: Edw^{d} Scott
Col Nath: Hynson
Cap^{t} S^{t} Lieger Codd

Charles
Coll Phillip Hoskins
Cap^{t} John ffendall
M^{r} Samuell Hanson

Ann Arundell
M^{r} Joseph Hill
M^{r} Alex^{r} Warfield
M^{r} Richard Warfield

Dorchester
M^{r} Peter Taylor
M^{r} Tobias Pollard
M^{r} Jn^{o} Meekins

City of Annapolis
M^{r} Thomas Bordley

Prince George's
James Stoddert Esq^{r}

Calvert
Coll: Jn^{o} Mackall
M^{r} Nath: Dare
Jno Rousby Esq^{r}

Queen Anne's
Maj^{r} Jn^{o} Hawkins
M^{r} Charles Wright
M^{r} Edw^{d} Wright
M^{r} W^{m} Turbutt

Talbot
Maj. Thomas Robbins
M^{r} James Lloyd
M^{r} Thomas Emerson

Who being a sufficient number to make an house and wanting a Clerk to supply the Place of Tho^{s} Macnemara Esq^{r} (being Absent from this Province) make Choice of Michael

L. H. J. Jenifer to be Clerk of this House who According to the Act of Assembly of this Province entituled an Act for the better Security of the Peace and Safety of his Lpps Goverment and the Protestant Intrest within this Province took the severall Oaths thereby directed as also the Oath of a Clerk to this House his Excy the Govern^{r} and Councill not being then Sitting.

Ordered that the late Clerk or those in whose Custody the Papers relating to this house are do deliver the Same to Michael Jenifer the present Clerk of this House.

The House Adjourns till to Morrow morning Eight of the Clock

Wednesday May 29th 1717

The house meet according to Adjournment present as yesterday wth the Addicon of Cap^{t} Thomas Trueman Greenfield Cap^{t} Henry Pere Jowles Capt. Jno Baker Cap^{t} Daniel Mariartee M^{r} W^{m} Young Coll James Maxwell M^{r} Francis Dollahide M^{r} Peter Bond M^{r} John Brannock M^{r} Rob^{t} Tyler Maj^{r} John Bradford Maj^{r} Josiah Wilson M^{r} Sam^{ll} Hopkins and M^{r} Whittington jun^{r} M^{r} Benj^{a} Tasker is excused by reason of his Sickness.

The House Adjourns till two a Clock in the afternoon.

Post Meridiem

The House meet according to Adjournment who being called over are present as in the forenoon Except John Rousby Esq^{r} M^{r} Robert Tyler who excused thro' Sickness.

Ordered that Coll: John Mackall M^{r} James Stoddert and Cap^{t} Daniel Mariarte go and Acquaint his Ex^{cy} that a Sufficient number of Members are met to Make an House. They return & say they Delivered their Message.

Ordered that M^{r}Mariarte and M^{r} Stoddert go & acquaint his Ex^{cy} of the Choice of Michael Jenifer for the Clerk and that they present him to his Ex^{cy} and that they see him Qualified.

They return and say his Ex^{cy} Approves of him and that they see him Qualified by the taking of the Oath of Clerk of this house and the severall Oaths according to Law.

Esq^{r} Brooke and Coll Holland from the upper House Acquaint M^{r} Speaker that his Ex^{cy} desires him and the whole house to attend his Ex^{cy} in the Councill Chamber. Then M^{r} Speaker wth the rest of the house went to attend his Excy accordingly.

M^r Speaker with the rest of the house having waited on his Excy in the Councill returns and Says that his Ex^cy was pleased to make the following Speech in the names of the right honble the Lords Baltemore and Guilford. Viz. L. H. J.

Baltemore } Gent: of the Upper and lower Houses of
Guilford } Assembly.

We take this Opportunity to make known to you We have approved and confirmed all those Laws transmitted to us which were made ready for our Assent at a Session of Assembly begun and held at our City of Annapolis the 17^th day of July in the first year of Our Dominion Except th^t laying an Additionall Duty of four pounds p poll on the King's Protestants as well as other his Maj^tys Subjects of the Kingdom of Ireland to which We have dissented And except the Act Ascertaining the Gauge & Tare of Tobacco hh^ds &c. whereby our own Revenue and the Support of our Goverment are Provided for, which still lyes before us for our further Consideracon.

As we Cannot enough Comend the loyalty and Zeal you have shewn for his Maj^ty and the Succession in the illustrious House of Hannover, so none of those Laws to which We have Assented met with a more ready Confirmacōn than that which Makes it penall for men to act in Employment without taking the Oaths to our dread Sovereign King George, whereby Protestants and Papists may clearly percieve th^t your Lord and Prop^ry is not as has been malitiously suggested by Some a Papist in Masquerade but a true Protestant of the Church of England in which Faith he is resolved to live and die.

Gent. We have at heart the Wellfare and Prosperity of the People of this Province equall to that of our own and are determined never to do anything that may Seperate that Union which may tend so much to the comon good an early Instance hereof We manifested when we directed Cap^t Hart to lay before you on what Condicons we were willing to give up our Quit Rents and Alienacōn fines a Condescention which nothing but the good and relief of the Poorer And more numerous Part of our People could have prevailed with us to have consented to And having done so much on our Part for the ease and benefit of our People, We are surprized to find that you should rather Choose to give the Mony which is Appropriated to the Support of our Government to the only use of our Deputy for the Time being rather then our own, w^ch with our Hon^r We never can consent to.

We have therefore Instructed our L^t Gov^r once more to lay before you on what Conditions We are still willing to part

L. H. J. w^th^ all our quit rents and Alienacon Fines, and doubt not but the Planter by the Ease he will find in the payment of his rents And the Trader by the advantagious provisoe of reshipping free their Tobaccoes upon any Loss that shall happen to them at Sea in their Voyage homewards will find their Benefit thereby And that all Feuds & Animosities among Our people will for the future be laid aside and the Province Continue to Increase & flourish under the Family of Baltemore.

After which his Excy was pleased to Deliver himself to M^r^ Speaker and the members of this House in the following Words Viz.

Gentlemen of the Upper
& Lower Houses of Assembly

The right hon̄ble the Lord Prop^ry^ and his Lpp's noble Guardian the right hon̄ble the Lord Guilford having given you (in that Speech I had now the Honour to deliver to you on their Lpp's behalf) such Pregnant Proofs of their Own fidelity, by their Lpp's approving and applauding your great Zeale and loyalty for his Majesty King George and the Protest^t^ Succession in the Illustrious House of Hannover and the ready Confirmacōn of such Laws as were Provided for the security of the Protestant Intrest in this Province together with that Ardent and hearty Profession of the Lord Prop^ry^ his being a true Protestant of the Church of England I hope will obviate the malitious Suggestions of Such as have represented his Lordship's being a Papist in Masquerade and that this Publick and frank Declaracon of the Purity of his Lpps Faith will engage and Secure his Lpp the hearts and Esteem of all the good People of Maryland.

My Lords Prop^ry^ and Guilford having exprest their tender regard for the Wellfare of this Province in such Pathetick and affectionate Terms that I am Perswaded a Repetition of some part of them will be farr from being unacceptable to you since that they Contain in a few Harmonius Words all th^t^ so reasonable a People as you are can hope or Desire from your Surperior. The words are these: Gent, We have at heart the Wellfare and Prosperity of the People of this Province equall to that of our own and are determined not to do anything to Seperate that Union which may tend so much to the Common good.

Gentlemen. I shall lay before you what reasons mov'd their Lpp's to disassent to that Act for laying an Additionall Duty of four pounds ꝑ poll on Irish Servants which I hope will give you Satisfacōn.

Gentleman of the Lower House. L. H. J.

Their Lpps have Acquainted you that the Act ascertaining the Gauge and tare of Tobacco hh^{ds} wherein there is a Provision for the Lord Prop^{rys} Revennue and the Support of his Goverm^{t} Lyes under their Lpps Consideration. What motives you might have to Prepare that Bill which made the 12^{d} ꝑ hh^{d} for the Support of Goverment payable to the Governour for the Time being I was Ignorant of at the Time of passing it and should have still remained so for I have ever inviolably preserved the Priviledges of your House but I am now Acquainted with your Proceedings an Officer of your own having given better Informacõn of this Affair in great Brittain than you thought Convenient for my knowledge here.

The violent Feaver which it Pleased God to visit me with at the Time of the Preparing that Bill rendred me incapable of giving my usuall and Constant Attendance in the Upper house for the necessary Dispatch of Buisness in the Time of the Assembly by Consequence from hearing the Debates in the Upper house and considering your Messages on that Bill so shall take the Liberty to make use of their Lpps Arguments why that Part of the Act should be altered and the mony raised thereby made payable to his Lpp the Lord Prop^{ry} and not to the L^{t} Governour for the Time being this being the only Excepcon to that Act.

The Lord Prop^{ry} by his Charter from the Crown being Hereditary Govern^{r} of Maryland, all rights of Government do undoubtedly belong to his Lpps And therefore his Lpp's cannot consent with Honour that what is raised for the Support of Governm^{t} should be made payable to any person who Acts by Deputacon under his Lpp. These reasons Carry in themselves such Weight as I hope there will be no Occasion to offer any more to induce you to alter that Act in the manner Proposed.

As for my Part who have the Hon^{r} to represent his Lpp in this Province I must acknowledge their is so Generous a Support made for the Dignity of my Station that his Lordship's Liberality has left no Room to desire any New favours from the Country tho' I am very thankful to you for what has been already Conferred on me, which I fully enjoy. And as I have ever endeavour'd to promote (as much as in me lay) the true Intrest of this Province as the most Grateful return I could make for the many Marks of Esteem they had given me. So I shall Constantly apply myself to do whatever is proper for me in my Capacity that may be Conducive to the Publick Welfare of Maryland. And therefore earnestly recomend to you that you will on your Parts preserve that

L. H. J. Union which my Lords Prop^{ry} & Guilford have so much at heart for the Comon good.

Gentleman of the Upper and Lower Houses.

I am Comanded by the Lord Guilford on the behalf of the Lord propry to deliver you his Lpps most obliging Answer to your Address dated the tenth of October past this being the first time of the Meeting of the Assembly since I reced it, by this Answer you will find his L^{pp} had the goodness to promise you that no Person should be advanced to any Preferment that would not qualify themselves by Law & I can now Acquaint You that it is their L^{pps} Pleasure actually to Remove them.

These unqualified Persons obtaining Offices in the Manner they did, that is in Truth by Surprize and Misinformacōn as it created much uneasiness in the minds of a great Majority of the People, so I hope the effectuall Care that has been taken by the Lords Proprietary and Guilford for their Speedy removall from their Employments will put an End to all feuds and animosities Amongst you. the Cause of your Complaint being now removed it is justly expected the Effects should cease of Course And I doubt not you will Shew yourselves true Protestants indeed, by your Charitable Demeanor to your Neighbours of another perswasion since it is no longer in their Power to do you any Injury.

However I may have been personally ill represented in great Brittain for doing my Approved Duty of exerting the Laws against such as made no Scruple to invade them. Yet I shall never forget th^{t} maxim I learned when a Soldier that whilst the Enemy was in Arms to oppose them with a vigorous resolucon, but when Providence was pleased to bless the juster side with the advantage to treat them with Humanity.

I hope the Gentlemen of the Romish Comunion will Prudently consider their Own Intrest and Content themselves with the Lenity of the Goverm^{t} they Live under who admits them in this Province to an Equall share of Priviledges with the rest of their fellow Subjects, the bearing of Offices alone excepted to my Knowledge this would be thought an inestimable Blessing by the Protestants who Dwell in the Roman Catholick Dominions if nothing more was expected from them than a Dutifull Submission to the Laws of their Country, which no wise State will ever Suffer to be infringed.

I have on severall Occasions recomended to you the absolute Necessity of Propagating Learning in this Province by making some competent Provision for Schools and it would be happy if there was a ffoundation at least for one in every County. But as yet there is but slender Encouragment given

nay the funds that are directed for the maintenance of Schools are of so inconsiderable a Value that unless you think Proper to make better Provision to that Pious and usefull End, even the School of Annapolis which begins to encrease and flourish must for want of due Support be laid aside. L. H. J.

The Province is now in the most happy Condition that ever it was since the first Settlement. I bless God I live to see the Happy Change in Your Affairs. since then Providence has been so Indulgent to you and put the means into Yo^{r} hands Exert yourselves to advance the Hon^{r} & Intrest of Your Country for the Particular good of your Children who were they Sensible of the irretrivable Loss they will Sustain in the want of a Liberall Education in their Youth, They would joyn their Tears to my Intreaties.

By the Lords Prop^{ry} & Guilford's Comands I laid before the last Sessions of Assembly his L^{pps} Right to the Ordinary Lycences and at your request it was left to the Consideracon of this Session I have again received Instructions to the like Purpose and shall Communicate them to You And hope they will meet with no Difficulty Considering the just Claim of my Lord Proprietary & the urgent Necessity of a regulation in the Ordinarys.

Gentlemen. As my Lords Proprietary and Guilford have most Obligingly Complyed wth whatever you thought Proper to request of their Lordships, And as their L^{pps} have given you all Assurance of Maintaining your Laws and Preserving to you your rights and Priviledges, It will lye then upon you to make such gratefull returns as may give his Lpp the strongest proofs of your dutifull Affections which in Effect is all th^{t} is expected from you. A remarkable Instance what Felicity you do and may enjoy under the Noble Family of Baltemore.

Jo: Hart.

And his Excy was pleased to deliver M^{r} Speaker the following Answer from the Lords Baltemore and Guilford to the Address of the Upper and Lower Houses of Assembly in July 1716 which was Ordered to be entered as follows Viz:

The Answer of the Right Honble Francis Lord Guilford Guardian to the right Honble Charles Lord Baltemore Absolute Lord and Prop^{ry} of the Provinces of Maryland and Avalon for and on his behalf To the Address of the Upper and Lower Houses of Assembly of the Province of Maryland.

Gentlemen.

I thank you in behalf of my Lord Proprietor for your dutifull Address and in a most Particular manner commend the

L. H. J. great Zeale you have shewn for the King's Hon^{r} against the daring Attempts of Papists. You may depend upon it that as my Lord Proprietor and I have nothing more at heart than the maintaining the true Orthodox Religion and principles of the Church of England and the Protecting you in all Yo^{r} civill rights & Liberties so We hope, We shall be able to do both under the Administration of our Present L^{t} Governour Cap^{t} Hart.

I do Assure you nothing can be more Wellcome to my Lord Proprietor and me than the Advice of our Assembly it being so vitall a Part of the Constitucon and the best Counsell of the Province And We hope that as often as You give it us You will understand the Value of your rights & Priviledges so well as to give it free & without Influence.

Gentlemen. You may depend upon it no person shall be Advanced to any Preferrment for which he shall not be Qualified by Law

October 10th 1716. Guilford.

Coll: Holland from the upper House delivers M^{r} Speaker three L^{rs} from the Hon̄ble Nathaniel Blackiston Esq^{r} the agent for this Province the one dated the 6th day of October 1716 being a Copy of one from him sent to the Lord Guilford the other two to the Generall Assembly the one dated the 10th of Octo: 1716 and the Other the first of March last By which this house is firmly perswaded of the strict Hon^{r} and Justice as well as great Affection of the said Nathaniel Blackiston Esq^{r} towards this Province and also of his indefatigable Endeavours for the true Interest of both Lord & People.

Maj^{r} John Ward M^{r} James ffrisby & Cap^{t} Thomas Dent make their Appearance in the house.

Ordered the Comittee of Laws prepare with all Convenient hast an Answer to his Lpp's & his Excy's Speech.

John Hall Esq^{r} from the Upper House delivers M^{r} Speaker the following Message Viz.

By his Excy in Councill May the 29th 1717.

Gent.

I have herewith sent you for your Perusall the 11th Article of their L^{pps} Instruccons to me relating to Ordinary Lycences which is as follows:

Article 11th Whereas the granting Ordinary's Lycences is undoubtedly in us and that we have impowered our Secretarys M^{r} Thomas Beake and M^{r} Charles Lowe either by themselves or their Deputy to grant them and receive the fines thereof to their own use and thinking it Necessary that the

Ordinaries in our Province should be regulated We are de- L. H. J.
sirous that a Bill may be prepared accordingly and that the Fines thereon may be made certain which you are to endeavour to accomplish being rather inclined to have it Setled with the Consent of our People than by our own Prerogative.

Signed p Order
John Beard Cl Up Ho.

The house adjourns till to Morrow morning Eight of the Clock.

Thursday morning May the 30th 1717

The House mett According to a Adjournment.

The house being Called over appear as yesterday.

Yesterday's proceedings are Read.

Mr Matthias Vander Heyden is excused on his Letter by reason of his Indisposition

Coll: Hynson has the Leave of this House to go home.

Two of his Children & wife being ill.

The House Adjourn till One a Clock in the afternoon

Post Meridiem

The House meet according to Adjt

Resolved that this house will sit to do Business from Eight till eleven of the Clock in the forenoon And from one till five of the Clock in the Afternoon.

Ordered the following Message be Sent to the Upper House Viz.

By the Lower House of Assembly May the 30th 1717

May it please your Excy & Honours

This House in order to dispatch Business as much as in them lyes has made a resolution to Sit from Eight of the Clock in the forenoon till Eleven and from one till five in the Afternoon dureing this Sessions and Desire to know whether the Time resolved on be agreeable to your Excy & Honours.

Signed p Order
Mic: Jenifer Cl: Lo: Ho.

Which was sent to the Upper House by Majr Wilson and Mr Hanson

They return and say they delivered it.

Mr John Purnell appeared in the house

L. H. J. The Pet° of John Clements of Queen Ann's County for relief ag^t Thomas Ennalls Esq^r read in the house and ordered that Coll Ennalls and the sev^ll Justices of Dorchester County have Notice of the Pet° and order And that they Appear here next Sessions to answer the same And that the Pet^r have leave to Subpœnâ his Evidences to the next Sessions.

Ordered that the Copy of the Extract of the Book distinguished by the name of Lib^r L 1656 & 1657 Sent to this House by M^r James Heath as a true Copy be recorded by those employed to transcribe the Land Records in the beginning of the Land Record Book next Succeeding the Years 1656 & 1657 for the Informacõn of those Concerned.

Coll Coursey from the upper House delivers M^r Speaker the following Message viz^t

By the Upper House of Assembly May the 30^th 1717

Gent: We desire that M^r Jno Brannock a member of your House have leave to appear here to Inform this Board of a State of the Case between Jonathan Bassett of new England and Moses Lecompt in Dorchester County Court wherein M^r Brannock was concerned as a Practitioner.

Signed p Order
Jn° Beard Cl up Ho

Whereupon M^r Brannock has the leave of this House to go who accordingly went to make his App^r in that House.

Coll Young from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly May the 30^th 1717.

Gent: We have considered of your Message by Maj^r Wilson and M^r Hanson and think the Times therein Proposed very agreeable for the Dispatch of the Business with which We Concurr Sign'd p Order.
Jn° Beard Cl Upper House.

M^r Benj. Tasker makes his appearance in the House

Coll Scott has the leave of this House to be absent this Afternoon

The House adjourns till to Morrow morning Eight of the Clock.

Friday Morning May the 31. 1717

The house meet According to Adjournm^t who being called Over appear as Yesterday.

Yesterday's Proceedings are Read. L. H. J.

Ordered the Comittee of Accounts inspect the Laws and Journalls of the Assembly and report to the House how the Gent of his Lpp's Hon̄ble Councill were supported and maintain'd when the Lord Prop^{ry} formerly had the Government

Coll Addison from the upper House delivers M^{r} Speaker the following Message Viz.

By the Upper House of Assembly May the 31th 1717

Gent. Complaint being made to this Board of a great Delay of Justice in Somersett County Court Desire leave may be given the Gent: of your house from that County to appear at this Board to give this Board a true State of the Case.

Signed p Order. J^{no} Beard Cl upp^{r} ho:

Ordered that M^{r} Samue^{ll} Hopkins M^{r} John Purnell and M^{r} William Whittington jun^{r} go and appear at that Board who accordingly went

The Pet^{o} of Peter Marsey and Sarah his wife praying Leave to Bring in a Bill to repeale an Act Confirming Jn^{o} Toas his Land to Robert Roberts Read and Ordered that notice be given to Roberts and that he be served with a Copy of this Pet^{o} that Roberts if he think fit may Appear next Sessions and answer the Premisses or that the Pet^{o} will be heard ex parte and leave given to Subpœnâ Evidences to next Sessions.

The house adjourns till One a Clock in the afternoon

Post Meridiem.

The House meet according to Adjournm^{t}

The house being called The Members appear as in the forenoon

The Question being put whether that part of the Act for Killing Woilves Crows and Squirells that allows four pounds of Tobacco p head for Squirrells shall be repealed. Resolved in the Negative by the Majority of Votes.

M^{r} Thomas Bordley on a motion made by him obtains the Leave of this House to be admitted of Councill with George Scott of Somersett County for and on the behalf of his Son Day Scott a minor

The Petition of George Scott on behalf of his son Day Scott a minor under the Age of Twenty one Years praying Leave to bring in a Bill to Invest the Heirs of Edw^{d} Day of an Estate in fee Simple of a Tract of Land lying in Somersett Co^{ty}.

L. H. J. Read and Ordered that Mr William Round and Mary his Wife and Abraham Turner be served with a Copy of the petº that they may Appear here next Sessions if they think fitt to Answer the same petº And leave given all Parties to Subpœnâ Evidences to the next Sessions.

The Report of the Comittee of Accounts relating to the maintenance formerly Provided for his Lpps hon̄ble Councill was read and Ordered to be entered as follows Viz.

By the Com̄e of Accounts
May the 31st 1717.

Pursuant to the Order of the lower House of Assembly We have inspected into the Laws of this ꝑvince and amongst them We find an Act of Assembly made March 1670/1 that raised two Shillings ꝑ hhd to the right honble Cecilius then Lord and Propry of the said Province dureing his life time to enable him in some measure to defray the many great and Necessary Expences of Government and in particular to allow Convenient Sallarys and Encouragement to the Lievtent generall and Chief Governour And to the Privy Councill of the Lord & Propry of the province for the then Time being so as wthout Prejudice to their Private Affair they might be encouraged and reasonably required to attend unto the Administracōn of Justice and other publick Concernments as also towards the maintaining a Constant Magazine with Arms and Ammunition for the Defence of the Province and the Other Twelve pence ꝑ hhd was raised in Consideracōn of the Lord Propry taking his Quit rents and fines for Alienacōns in Tobacco at Two pence ꝑ pound.

We also find One Other Act of Assembly made May 1674 that gives the said Two Shillings ꝑ hhd in the same manner as above by the first Law to the afd Lord Propry during his Life and after his Decease to his Son Charles Calvert Esqr then Capt generall and Governr of Maryland, during his Life.

We also further find An Act of Assembly made May 1676 tht Gives the said Two Shillings ꝑ hhd in the same Manner as afd to the right hon̄ble Charles then Lord and Propry during his Life and after his Decease to his eldest Son Cecilius during his Life as ꝑ the Severall Laws, reference being thereto had more at large appear.

Signed ꝑ Order Jon Beale Cl. Com.

Brought down from the Comittee of Laws an Answer to his Excy's Speech which being read in the house was ordered to be entered as follows Viz.

To His Excy the Governour L. H. J.

We the Delegates now mett to represent the people of this Province this present generall Assembly under the Goverment of our Lord Propry begg Leave on this Occasion to Declare to your Excy the great Satisfacōn We have rēcd by the Answer of the right hon̄ble Francis Lord Guilford to Our late Address and by the Speech of the right hon̄ble the Lords Propry and Guilford delivered us by your Excy at the Opening this Sessions and do with all dutifull gratitude Acknowledge their Lpps Goodness and shall make our humble application to their Lpps by way of Address in relacōn to the Subject matter of both.

And now Proceed to assure Your Excy that Our Endeavours shall not be wanting to make known to those We represent how farr they are engag'd in Affection as well as duty to our Lord Propry and his Noble Guardian for their Declared Zeale for the Present establishment both in Church and State.

We shall readily apply ourselves to the Consideracons of such reasons as moved their Lpps to dissent to the Law relating to Irish Servants when your Excy shall be pleased to Comnicate them to us and shall pay due deference to their Lpps motives and also have a just regard to the reasons offered for the altering of the Law that relates to the Support of Government

We are obliged in Justice to acknowledge your Excy's Tenderness of our Priviledges and Sorry to find our Selves Mistaken in the Choice of an Officer who either forgot his Duty or willfully Comitted a Breach of it by revealing the Secrets of this house.

Tho' We are perswaded if he has confined himself to truth he can lay no Crimes to our Charge.

Your Excy's endeavours to promote the true Intrest of this Province have been eminently signalized to us in so many remarkable Instances during your Administracon that We have not the least room to Doubt of your Excy good Inclinacons.

And on this Occasion We must begg Leave to express our Concern that the largest Opportunities We have had of demonstrating the Esteem We have for your Excy have fallen so farr short of amounting to a Compliment that We are forc'd to acknowledge We have failed in doing Justice to your merit Under which reflection the Only Consolacon We can find is Your Excy's generous Acceptance of our Endeavours where abilities are wanting. Tho we are Limitted in Some Other Respects We are not so in Affection which must Still be

L. H. J. increased by y^r^ Excys so earnestly recomending to us the Consideration of the Comon Good.

We most gratefully Acknowledge their Lpps Justice in the removing those Officers that were Despisers of our Laws and introduced themselves by Surprize and misinformacōn and must Likewise acknowledge the Valuable Services Your Excy has been pleased to do our Lord Prop^ry^ and this Province in having such Misinformacōns and the Designs of the Informers so Opportunely detected.

We shall allways endeavour to be gratefull to our Benefactors and Christians to all and shall be glad to find our roman Catholick Neighbours Content with the present Indulgences they enjoy and carefull they exceed not the bounds of that Law which they once rejoyced at as a favour And We hope they'l better understand the Present Establishment than to endeavour any further Infringement of it.

Your Excy's frequent recomending to us the Propagating Learning is a further Instance how much your Excy has at Heart the Generall wellfare of our Country the want whereof is too Evident Amongst us and We reflect how Zealous Your Excy has been in promoting Learning for us and how wanting We have been to ourselves in that Part We can scarce expect to escape the reproach of those We represent. But We must begg Leave to Charge this our remissness on the great Discouragement We have already met with in having Moneys that are rais'd in this Province Applyed to the maintaining a School in another by which never any One Inhabitant of this has reap'd the least Advantage. This manner of Application We are Perswaded had never been used had not our Neighbours in Virginia made some misrepresentacons concerning it. If We cou'd be so happy by your Excy's Assistance to have this Case truly Stated and a Proper Applicacon made for redress We should not Doubt Success from the Justice of our Case, And then We should with Cheerfullness exert ourselves in the endeavouring to make such an Establishment as might give our Present Youth and Posterity an Opportunity of Learning.

In the Interim We shall be glad of embracing all Opportunities to support the present schooll that may not be too burthensome to the Publick and should be glad to receive such Proposalls as the present Rector and Visitors shall think fitt to make for our Assistance in the Consideracon of that so important an Affair.

We shall imediately Proceed to do what may be Proper in respect to the regulation of Ordinaries. We again acknowledge their Lpps great Goodness particularly in the regard

they have had to the Preservacōn of our Constitucon and the Continuing your Excy their Governour over us of whose Loyalty Fidelity Hon^{r} and Justice We have had so ample an Experience that We Cannot esteem this the least of their Lpps Fav^{rs} especially since by the Influence of your Excys Administration and Example we are encouraged with all ffreedom to Demean ourselves as becomes a People truly loyall to his Majesty Dutifull to their Lpps & Just to our Country. L. H. J.

Which was Sent up to the upper House by Coll Mackall M^{r} Stoddert Maj^{r} Harris Esq^{r} Rousby M^{r} Dare Coll Maxwell M^{r} Hanson Cap^{t} Colegate M^{r} Emerson and Maj^{r} Bradford.

They return and say they Delivered it

The House adjourns till to Morrow morning Eight a Clock

Saturday morning June the 1st 1717

The House meet According to adjournment

Present as Yesterday.

Yesterday's Proceedings are read.

Ordered that the Comittee of Accounts inspect the Laws that were first made after the revolution to see how the 12^{d} p hh^{d} for Support of Govern^{t} was applyed and the reason thereof and make their report thereon to the house.

Ordered that the Comittee of Laws Prepare a Bill for the Adjournment of Talbot and Baltemore County Courts.

On Reading the Peticon of the Coheirs of Arnold Paramore praying Leave to bring in a Bill to Supply the Defect in Jn° Paramore's will.

Ordered that those concerned for the Heirs of Thomas Paramore be Served with a Copy of the Pet° that if they think fitt they may appear next Session to answer the Petition.

On a mocon made by M^{r} Thomas Bordley to be admitted of Councell with the Secretary in relacon to the Ordinary Fines. The Question was put whether he should be admitted or not.

Resolved in the Negative by the Majority of Votes.

The Question being put whether a Bill shall be brought in for the regulacon of Ordinaries and Ascertaining the Lycence fees.

Resolved in the Negative by the Majority of Votes.

Ordered that M^{r} Tyler Cap^{t} Greenfield and Cap^{t} Colegate Prepare a message to the upper house thereon.

L. H. J. Coll: Holland Coll: Coursey Coll: Addison, Coll Young and Coll Smith from the upper house delivers M^r^ Speaker the following viz^t^.

Gentlemen.

The Zeale you express for his most Sacred Majesty's Service and that dutifull and affectionate Regard you have for the Lord Prop^ry^ and his Lpps noble Guardian the Lord Guilford will undoubtedly be highly acceptable to their Lpps nor shall I be wanting to give their Lpps an early Account of the happy Disposicon of your House.

Gentlemen.

I return you my most hearty Thanks for the obliging Sentiments You have both for my Administracōn and Person. The Preserving your Laws and Priviledges in the same Condition I found them at my first Arrivall has been the Sole View and Aim of my Actions And as my Conduct in so doing has been agreeable to their Lpp's Cōmands and Intentions so there are many Halcyon days promised to your Country.

It is with Extream Pleasure that I find you so readily Come into my request for the Propagacon of Learning in this Province. I will do all that lyes in my Power that may be Proper to advance that Good End, For in this and all other request I shall be joyfull to be an Instrument of Promoting the Prosperity of Maryland as the most effectuall means of being faithfull to my Lord Prop^ry^ and Acting impartially in my Station

Jo: Hart.

On reading the Petition of Adam Bell praying relief ag^t^ John Rousby Esq^r^ on a Patent of Escheat on Edward Edloe's Land was read & rejected Nemine Contradicente

The House Adjourns till one a Clock in the afternoon

Post Meridiem.

The house meet According to Adjournm^t^ who Being Called over are Present as in the forenoon.

Maj^r^ Bradford has the leave of this house to go home on urgent Occasion on his promise to return again by Tuesday Next.

Ordered that the Comittee of Laws Prepare a Supplementary Bill to the Act relating to Servants & Slaves to Prevent the Inconveniency of Negroes & Slaves being Evidences.

On reading the Message prepared by M^r^ Tyler M^r^ Green- L. H. J.
field and Cap^t^ Colegate relating to Ordinary Lycences the Same is referred till Monday next for further Consideracon.

On reading the Pet^o^ of Richard Manning Praying relief ag^t^ Eliz^a^ Travers for the Suppressing a fraudulent Will and the Allegacons of Both Parties being heard by their Councill at the Barr of this House, The Question was put whether a Bill should be Brought in as Prayed.

Resolved in the Negative, by the Majority of Votes.

Coll^o^ Tilghman from the upper House delivers M^r^ Speaker the following Message Viz:

By his Ex^cy^ the Governour June the 1^st^ 1717

Gent.

The reasons assigned by their L^pps^ for Dissassenting To the Law which Lays 4^t^ p poll on Irish Servants are that it tends to the Excluding his Majesty's Protestant Subjects from Settling in This Province And is a Discouragement to the Peopling of it is by the Advice of Councill Dangerous to his Lpps Charter which is hoped will give Satisfaccon to your House.

Signed p Order
Jn^o^ Beard Cl upp Ho.

The Question being put whether a new Bill shall be brought in laying an Additionall Duty on Negroes and Irish Papists that shall be imported into this Province. Resolved in the affirmative by Majority of Votes.

The Question being put what addicōnall duty shall be laid on them. Resolved Twenty shill: sterl: by the Majority of Votes.

Ordered the Comē of Laws Prepare a Bill accordingly.

The House adjourns till Monday Morning Eight a Clock.

Monday Morning June the 3^d^ 1717

The House meet according to Adjournm^t^, who being call'd over appeare as on Saturday Except Maj^r^ Wilson Cap^t^ Mariarte Cap^t^ John Bradford, and Col^o^ Hoskins who is Excused by reason of his Sickness.

Saturday's Proceedings are read.

Col^o^ Harrman Appears in the House.

A Bill for the Adjournment of Talbott and Balt County Courts read the first & Second Times by especiall Order and will Pass which was so endorsed, and Sent to the upper House by Maj^r^ Robins Col^o^ Maxfield and M^r^ Fendall.

L. H. J. They return and say they delivered it

The following Message sent to the upper House by Mr Stoddert Mr Rousby Mr Dare Majr Hawkins and Mr Dollahide Viz:

By the Lower House of Assembly, June the 3d 1717.

May it please yor Excy and Honour.

Upon Consideracon of that Part of your Excy's Speech and the 11th Article of his Lpp's Instruccons relating to the regulating Ordinaries and the Fines for Ordinary Lycences We find that the Preceeding Assemblies have hitherto Strenuously insisted tht those fines were not a Perquisite to the Secretary's Office to which Purpose We find that the Generall Assembly of this Province in the yeare 1713 made their humble Address and remonstrance to her late Majesty Queen Anne &ca upon the then Secretary's Claiming a right to those fines Which therefore We are Unwilling to give up. And forasmuch as by his Lordship's Instruccons it seems his Lpp Claims a right thereto by his Prerogative We are unwilling to intermeddle therewth But shall humbly address his Lpp that his Lpp will be favourably Pleased to let those fines be applyed to the use of Free schoolls within this Province (whose Funds are to small for the Propagation of Learning) And desire your Excy's favourable Concurrence wth us in that Address.

Signed p Order. Mic: Jenifer Cl Lor: Ho:

They return and say they Delivered it.

Colo Tilghman from the upper House delivers Mr Speaker the Bill for the Adjournmt of Baltemore and Talbot County Courts thus endors'd vizt

By the Upper House of Assembly June the 3d 1717.

Read at this board and will pass. Signed p Order.

Jno Beard Cl: Uppr Ho

The Qt being put whether the Bill Ascertaining the Gauge and Tare of Tobacco hhds &ca shall be altered as required by the Lord prory or Whether a Message shall be first prepared Resolved the bill be Altered as proposed and Ordered the Comittee of Laws Prepare the Bill

The house Adjourns till one a Clock in the Afternoon.

Post Meridiem

The house meet According to Adjournment.

The house being called over Appear as in the forenoone.

The referrences from last Sessions relating to Coll° Lloyd's and Esq^r^ Rousby's Affairs is Further referred to next Sessions Col° Lloyd being sick and it being a Busy Time of the Year. L. H. J.

Whereas on a Mocōn made Last Sessions that whereas M^r^ Roger Woollford in Consideracon of £16 paid him in the Publick Levy, undertook to raise a Flagg Staff neare the Stadt House in the City of Annapolis with Sufficient Braces and a Cedar Frame and had not as then Performed the Same, Whereupon it was then ordered that notice should be given the said Woollford to compleat what he so undertook as af^d^ by the Last day of October last or appear before the Barr of this House the first Week of this Sessions to Shew Cause why he had not Complyed with his Promise But for that the said Woollford has not as yet had notice of the said Order Ordered that new Sum̄ons be issued ag^t^ the Said Woollford to Appear at The Barr of this House the first Week of the next Sessions whensoever it shall be held to shew Cause why he hath not Complyed with his said Promise unless he finish the same before that Time.

Ordered that M^r^ Bordley M^r^ Rousby and Cap^t^ ffrisby prepare an Address to the Lords Prop^ry^ and Guilford with all Convenient Speed.

Ordered the Comittee of Laws Prepaire a Bill for the Publicacon of Marriages and to Prevent unlawfull Marriages.

Bill for the Adjournm^t^ of Talbot and Baltemore County Courts read in the house and thus endorst Viz:

By the Lower House of Assembly Eodem Die read the third Time by especiall Ord^r^ and Past for engrosing.

Signed p Ord^r^. M. Jenifer Cl Lo: House.

Col° Coursey Coll° Ennalls and M^r^ Lowe from the upper house deliver M^r^ Speaker the following Message Viz:

By the upper House of Assembly June the 3^d^ 1717.

Gent. My Lord Prop^ry^ insisting that the Ordinary Lycences are a Part of his prerogative and having already appropriated the Fines arising thereon for the Support of his Lpp's Secretaries who are the persons that Transact all his Lpps Affairs in relation to this Province without any fee or Reward (that We can Learn) but w^t^ accrues from the Secretaries Office It seems therefore Inconsistent with his Lpps Hon^r^ that this Board should enter on an Affair that he hath Already determined in favour of his two Secretary's who have been very Active and Instrumentall in the happy Settlement of our

L. H. J. present Establishm[t] which all of us have exprest ourselves so intirely well Satisfyed w[th] all But observe to you that if his Lpp had not already made a Disposicōn in that Affair and to two such Worthy Gent we should then have Concurred heartily with You in our Endeavours for Acquiring so good a Fund towards the Support of Free schoolls within this Province. And further his Lpp's Comands being absolute to his Excy as you will observe by the Instruction already sent you And the necessity of the Regulacon of Ordinaries being obvious to every member of your House. We Desire you will take this Affair again into your Consideracon.

Signed ꝑ Ord[r] Jn° Beard Cl: upp: ho:

The Question being put whether a Bill shall be brought in for The regulacōn of Ordinaries and ascertaining the Lycence fees Resolved in the Affirmative ꝑ Majority of Votes.

Ordered the Comittee of Laws prepare a Bill Accordingly.

Coll° Holland from the upper house Delivers M[r] Speaker the following Mesasge Viz.

By the upper House of Assembly June 3[d] 1717.

His Excy having offered to the Consideracōn of this House a part of the tenth Article of their Lpps Instruction's to him have herewith sent it you Viz:

Article tenth. Whereas many Laws that were made before the Crown interpos'd in the Government of Maryland Appear to be nulled or at least laid aside by some Subsequent Laws which were made during their Maj[tys] rule and are yet essentiall to the peace and Quiet of the People of the Province under the protection and Government of a prop[ry] as well as to his Honour and Safety, Presidents whereof you may find among those made in 1681 and none seems to be more Essentiall than an Act which you are to endeav[r] to Pass for Punishment of such as shall Counterfeit our great Seale. Therefore We Desire you'll app[t] two of yo[r] Members to be joyned with one of this Board to inspect into those Laws to note which of them 'tis necessary to renew.

Signed ꝑ Ord[r] J[no] Beard Cl up ho.

Whereupon Cap[t] Greenfield and M[r] James Lloyd are appointed to join with one of the Members of the upper House to inspect the same.

The following Message sent to the upper house by Cap[t] Greenfield and M[r] Lloyd Viz.

By the lower House of Assembly June 3^{d} 1717. L. H. J.

May it please your Excy and Hon^{rs}. In Concurrence with yours p Coll^{o} Holland We have appointed Cap^{t} Tho^{s} Truman Greenfield and M^{r} James Lloyd two of our Members to join wth one of your Board to inspect into those Laws who are ready to attend for th^{t} purpose.

Signed p Order Mic: Jenifer Cl: Lo Ho:

They return and say they Delivered it.

The House Adjourns till to Morrow Morning Eight a Clock.

Tuesday Morning June the 4th 1717

The House meet According to Adjournm^{t} & being called over the members Appear as Yesterday.

Yesterdays proceedings are read.

Maj^{r} Willson Appears this Morning.

Col^{o} Mackall from the Com̄e of Laws delivers M^{r} Speaker an Engrost Bill for the Adjournment of Talbott and Baltemore County Courts which was read in the House and ordered to be thus endorst Viz:

June the 4th 1717.

Read and assented to by the lower House of Assembly and,

Signed p order Mic: Jenifer, Cl: Lo: Ho:

Col^{o} Young from the upper house delivers M^{r} Speaker the following Message Viz:

By the upper house of Assembly June the 4th 1717.

Gent. We have appointed Samuell Young Esq^{r} (one of this Board) to attend the two Gent of yo^{r} House to go on the perusall of the Laws made in 1681 according to your Yesterday's Message by Col^{o} Holland.

Sign'd p Ord^{r} Jn^{o} Beard Cl: up Ho:

Col^{o} Coursey from the upper House delivers M^{r} Speaker the following Message Viz:

By the upper house of Assembly June 4th 1717

Gent. On the Complaint of the Indians of Copanquo Town in Somersett County in relation to some hardships they lie under from the Inhabitants of th^{t} County and forasmuch as the Law formerly made to decide Differences between the

L. H. J. English and Indians within this Province only empowered some Particular persons in some Countys (most whereof are dead) to make decision of Controversies arising not exceeding twenty shillings, We think it highly necessary that a Law be made in the nature of the former but that power be thereby given to Each respective Justice of the Peace within this Province to hear and determine all Disputes between the English and Indians not exceeding twenty shill: with which We desire your Concurrence and that a Bill may be brought in Accordingly. Signed p Ordr
John Beard Cl upp: ho.

Ordered the Comittee of Laws Prepare a Bill accordingly
Mr Stoddert has the leave of the house to Goe home.

The house adjourns till one a Clock in the Afternoon

Post Meridiem.

The house meet according to Adjournment who being called over Appear as in the Forenoon.

Ordered that the Comittee of Laws prepare a Supplementary Bill to the Act for Limitacōn of Officers ffees obliging the Severall Officers menconed in that Act to write their Accounts in a fair legible hand and the words at full Length.

On reading the Petition of the Generality of the Freeholders of Cecil County for the removing the Court House of the said County And the Severall Orders of this House relating thereto together with the Sherriff of Cecill County his return of the Voices of the generality of the Freeholders of the same County Leave is given to bring in a Bill as prayed.

Ordered the Comittee of Laws prepare a Bill accordingly.

Colo Mackall from the Comittee of Laws delivers Mr Speaker a Bill for quieting differences that may arise between his Lpp's Subjects of this Province & the Severall Nacons of Indians of what Places soever which was read the first Time, and ordered a Second reading to morrow morning.

Colo Addison from the upper house delivers Mr Speaker the following Message Viz.

By the upper house of Assembly June the 4th 1717.

Gent. His Excy having comunicated to this house the thirteenth Article of his Lpp's Instruccons to him, Vizt Article 13th. Whereas in the Act made Last Sessions of Assembly entituled an Act for the better Security of his Lpp's

Government and the Protestant Intrest within this Province there are these words following th^t^ no person or persons whatsoever shall be Capable of holding executing or enjoying any Office Deputacõn or Trust w^th^in this Province whatsoever shall presume to execute or Enjoy any such Office Deputacõn or trust Contrary to the true Intent and Meaning of this Present Act the Com^n^ Deputacõn or Authority of such Person or Persons is made void And he or they are to suffer the penalties as by the said Act is Declared which words to some seem so generall that they Think the Trusts Authorities or Powers granted Between Man and Man in their Private Transactions may be Affected thereby which is Surely more than what is Consonant to the Laws of Great Brittain. You are therefore to endeavour the said act be reenacted with this foll^o^ [proviso] or that some Declaratory Law or C[l]ause in a Law be made to the same Effect. L. H. J.

Provided nevertheless that this Present Act or any thing therein Contained shall not extend or be Construed to extend to the negotiation or Management of the Private Affairs of any person or persons whatsoever so as Such Negotiation or Management shall not in any wise relate to the Administracõn of the Goverment of this province.

And Having put the Question to this House whether there is anything contained in that act th^t^ can be Deemed or Construed to extend that the trusts Authorities or powers granted between Man and Man in their Private Transactions is Affected thereby.

'Tis by this house answered that, that Act has no relacõn to any authorities or Powers Granted between Man and Man in their Private Transactions.

We having offered you this our Opinion Desire the Opinion of your House likewise hereon.

Signed p Ord^r^ Jn^o^ Beard Cl up ho:

Coll Hynson Appears in the House.

Col^o^ Smyth from the upper House Delivers M^r^ Speaker the following Message on a report made to that house by Col^o^ Young Cap^t^ Greenfield and M^r^ Lloyd Viz. Pursuant to an Order of the upper House of Assembly, Dated the 3^d^ of June 1717 M^r^ Ja^s^ Lloyd and Cap^t^ Thomas Truman Greenfield are appointed by the lower House of Assembly to join with the Hon^ble^ Samuell Young Esq^r^ Appointed by the upper House to inspect into the Laws of Maryland for a Law made in the year 1681 for the Punishment of such as should Presume to Counterfeit his Lpp's great Seale of this Province.

L. H. J. We do report that We have examined all the Laws We can find in the Secretaries Office made in the Time of the Lord Baltemore's Goverment and do not find any Law made in that Year to that Purpose nor any other Except one Law made at a Sessions of Assembly in the yeare 1640 And one other Law made in the year 1649 which Laws We lay before your Excy and Hon^rs^ for your Perusuall the one recorded in W H folio 8 and the other in a Parchment covered Book folio 147.

By the upper House of Assembly, June the 4^th^ 1717.

Gent: On reading the within report 'tis the Opinion of this House that there ought to be Law to Punish the Countifeiters of his Lpp's greater Seale Privy Seale, or sign manuall or any other of the Publick Seales of this Province and leave it to your Consideracon in what manner to bring in the Bill.

Signed p Order Jn° Beard Cl: Upp^r^ Ho:

Ordered the Comittee of Laws prepare a Bill Accordingly.

M^r^ Bordley from the Comittee of Laws delivers M^r^ Speaker a Bill Ascertaining the Gauge and Tare of tobacco hh^ds^ &c. which was read the first Time and Ordered a Second Reading to Morrow morning.

Sent to the upper House by Cap^t^ Codd & M^r^ Young the following Message Viz:

By the Lower House of Assembly June the 4^th^ 1717.

May it Please Yo^r^ Hon^rs^

We have duly inspected and Perused the Act for the Better Security of the Peace and Safety of his Lpp's Goverment &c. menconed in Yours p Coll. Addison and find by the Preamble that the Intent and meaning thereof is Exprest to be for the Excludeing all Persons from the executing any the Judiciall and Ministeriall Offices of the Goverment who shall not Qualifie themselves according to that Act, And that the Prohibition in the body of the Act is that in Case any person or persons whatsoever shall presume to execute or enjoy any Such Office Deputacon or Trust Contrary to the true Intent and meaning of that Act that then they are Lyable to the Penalties therein mencōned. Upon which We are humbly of Opinion that any Trust in Private Affairs can never be presumed to be within the Intent and Meaning of that Act but are Sufficiently exempted by the Express Words thereof And therefore we Concurr with the Opinion of your House.

Signed p Order Mic. Jenifer Cl Lo. Ho.

They return and say they delivered it: L. H. J.

Sent to the upper House the engrost Bill for the Adjournment of Talbot and Balt County Courts by M^r^ Charles Wright and Cap^t^ Pollard, who return and say they delivered it:

The House Adjourns till to Morrow morning eight a Clock

Wednesday morning June the 5^th^ 1717.

The house meet according to Adjournment who being Called over appear as Yesterday.

Yesterday's Proceedings are read.

The Bill for quieting Differences between the English and Indians etc: read again in the house and ordered to be thus endorst Viz:

By the lower house of Assembly June the 5^th^ 1717

Read the Second time and will Pass.

Signed p Order Mic. Jenifer Cl: Lo: Ho:

The Bill ascertaining the Gauge and Tare of Tob° hh^ds^ &c: was read again, And the Question was put whether the same shall Pass as it is or be amended.

Resolved the same Pass as it is, nemine contradicente.

Sent p Esq^r^ Rousby Maj^r^ Hawkins Coll° Ward Cap^t^ Pollard & M^r^ Emerson the Bill ascertaining the Gauge and Tare of Tobacco hh^ds^ &c thus endorst Viz.

By the Lower House of Assembly June the 5^th^ 1717.

Read again and will pass.

Signed p Order Mic Jenifer Cl Lo. Ho:

They return and Say they delivered itt.

Sent to the upper House by M^r^ Tyler M^r^ Dare and M^r^ Brannock the Bill for quieting Differences between the English and Indians. Thus Endorsed Viz:

By the lower House of Assem^bly^ June the 5^th^ 1717

Read again and will Pass.

Signed p Ord^r^ Mic. Jenifer Cl: Lo. Ho:

They return and Say they delivered it.

On reading the Pet° of Richard Manning for reassuming the Vote ag^t^ Eliz^a^ Traverse The Question was put whether the

L. H. J. Vote shall be reassumed or not. Resolved in the Negative by the Majority of Votes.

Whereupon the Pet^{n} was rejected.

M^{r} Lowe from the upper House delivers M^{r} Speaker the Bill for Quieting Differences between the English and Indians thus endorsed viz.

By the upper house of Assembly, June the 5th 1717.

Read the first Time and will Pass with the following Amendments viz. that Instead of (his L^{pps} Subjects) in the Title there be the words (the Inhabitants).

Signed p Order Jn° Beard Cl: upp^{r} House

Which bill was read the third Time with the Amendments by especiall Order and Past for Engrossing And sent up to the Comittee of Laws p Col° Mackall to be engrost.

The House Adjourns till one a Clock in the Afternoon.

Post Meridiem.

The House meet according to Adjournment who being Called over appeare as in the forenoon.

Maj^{r} Harris from the Comitte of Laws delivers M^{r} Speaker an Engrost Bill for quieting Differences between the English and Indians which was read and ordered to be thus endorst Viz.

June the 5th 1717.

Read and Assented to by the lower house of Assembly and

Signed p Order
Mic: Jenifer Cl: Lo: Ho:

which was Sent to the upper house p M^{r} Jowles and M^{r} Fendall.

They return and say they delivered it.

M^{r} Harris from the Come of Laws delivers M^{r} Speaker Two Bills, the one a Suplementary Bill to the Act for Limitacōn of Officers fees which was read in the house and ordered a second Reading and was so endorst.

The other a Supplementary Bill to the Act relating to Servants and Slaves which was read in the house and ordered a Second Reading and was so endorsed.

Maj^{r} Robins from the Comittee of Laws delivers M^{r} Speaker a Bill laying an Addicōnall Duty on Negroes & Irish

papists which was read in the house and ordered a Second reading and was so Endorsed L. H. J.

Coll Mackall from the Committee of Laws delivers M^r^ Speaker a Bill for building a Court House for Cecill County which was read the first Time and ordered a Second Reading, and was So endorsed.

Another for the Punishment of those who shall Counterfeit the Lord Prop^rys^ Seales &c^a^ which was read the first time and ordered a Second Reading which was so endorsed

Maj^r^ Harris from the Comittee of Laws delivers M^r^ Speaker a Bill for the regulating Ordinaries which was read the first Time and Ordered a Second reading which was so Endors'd.

Esq^r^ Lloyd from the upper house delivers M^r^ Speaker the following Message Viz:

By the Upper House of Assembly
June the 5^th^ 1717

Gent.

His Excy having Comunicated to this House a method Proposed by the Lord Pro^ry^ for that part of the Law th^t^ relates to his revenue and Imposition on Tobacco in the Lieu of his Alienacōn Fines and Quit Rents We have Considered the same and is approved of by this House as Concise and Comprehensive of which We desire your Consideration

Signed p Order Jn° Beard Cl: up: Ho:

The house adjourns till to morrow morning Eight a Clock.

Thursday morning June the 6^th^ 1717.

The house meet according to Adjournment, Who being called over appear as Yesterday.

Yesterday's Proceedings are read.

Col° Hoskins appears again. Maj Bradford appears in the House and his Excuse is admitted for his Absence from Monday.

Esq^r^ Hall from the upper House Delivers M^r^ Speaker George Walls a languishing prisoner of Charles County, His Petition thus endorst Viz.

By the upper House of Assembly June the 6^th^ 1717.

The within Petition is referred to the lower House of Assembly

Signed p Ord^r^ John Beard Cl: Up Ho.

L. H. J. A Supplementary Bill to the Act for Limitation of Officers fees was read and thus endorsed Viz[t]

By the Low[r] House of Assembly June 6[th] 1717.
Read the Second time and will pass.
Signed p Order Mic: Jenifer Cl: Lo: Ho:

Which was Sent to the upper House by Col[o] John Ward Maj[r] Bradford and Maj[r] Emerson.

They return and say they delivered it.

A bill Laying an Additionall Duty of 20[s] Curr[t] mony On Negroes and Irish Papists was read and thus endorst Viz:

By the Lower House of Assembly June the 6[th] 1717.
Read the Second Time with the Amendm[ts] and will Pass.
Signed p Order. Mic. Jenifer Cl. Lo. Ho

Which was Sent to the upper House by Coll Hynson M[r] Hopkins and M[r] Rich[d] Warfield.

They return and say they delivered it.

A Bill for building a Court House for Cecill County, was read and ordered to be thus endorsed Viz:

By the Low[r] House of Assembly June the 6[th] 1717.
Read the Second Time with the Amendm[ts] and will Pass
Signed p Order Mic: Jenifer Cl: Lo Ho

Which was Sent to the upper House by Major Wilson M[r] Baker & M[r] Whittington.

They return and say they delivered it.

A Supplementary Bill to the Act relating to Servants and Slaves was read and ordered to be thus endorst viz.

By the Low[r] House of Assembly June the 6[th] 1717
Read the second Time with the Amendments and will Pass.
Signed p Order Mic: Jenifer Cl: Lo: Ho:

Which was Sent to the upper House by Coll Scott Cap[t] Pollard and Col[o] Herrman.

They return and say they Delivered it

Esq[r] Lloyd Coll Tilghman & Col: Smyth from the upper House deliver M[r] Speaker the foll[o] Message with the Bill

laying an Additionall Duty of 20/ Current mony on negroes and Irish papists &c: Viz: L. H. J.

By the Upper House of Assembly June the 6th 1717.

Gent.

On reading the Act for laying an Additionall Duty of Twenty Shillings Currt mony on Irish Servants being papists to prevent the growth of Popery by the Importacōn of too great a number of them into this Province and also the additionall Duty of Twenty Shillings Currt mony p poll on all negroes for raising a Supply towards the defraying the publick Charge of this province.

We dont find any Appropriation of the Additionall Duty in the body of it but seems to be design'd by the Title towards the defraying the Publick Charge of this Province. Therefore are of Opinion it would be proper to apply it to the use of ffree schoolls, which Seems to Call upon you for your utmost Endeavours to encourage them.

Signed p ordr Jn° Beard Cl: Uppr House.

The Question being put whether one half of the Additionall Duty on Irish Papists & Negroes &ca shall be applyed to the use of Publick Schoolls or none.

Resolved that the one half shall be Applyed by the Majority of Votes.

Then the Question was put whether the half or the whole Duty shall be Applyed to the use of Schools. Resolved that the whole be applyed by the Majority of Votes.

Ordered the Bill be altered & amended accordingly.

Col° Young from the upper House delivers Mr Speaker the Bill for Building a Court [House] for Cecill County thus endors'd Viz:

By the uppr House of Assembly June 6th 1717.

Read in the house and will Pass.

Signed p Ordr Jno Beard Cl: Up Ho.

Which was read in this house and ordered to be thus endors'd, Viz:

By the Lower House of Assembly June the 6th 1717.

Read the third Time and past for Engrosing.

Signed p Order Mic. Jenifer Cl Lo: Ho.

L. H. J. The Bill for regulating Ordinarys being read

The Question was put whether the fines for Ordinaries Lycences shall be 800$^{\text{li}}$ Tob$^{\text{o}}$ in Annapolis or 1000$^{\text{li}}$ Tob$^{\text{o}}$ and 500$^{\text{li}}$ Tob$^{\text{o}}$ or 400$^{\text{li}}$ Tob$^{\text{o}}$ in the Counties.

Resolved 1000$^{\text{li}}$ Tob$^{\text{o}}$ in Annapolis and 500$^{\text{li}}$ Tob$^{\text{o}}$ in the Counties by the Majority of Votes.

The Question was put whether the Clks of the County Courts shall receive 60 & 40$^{\text{li}}$ Tob: for their fees or but 30 and 20$^{\text{li}}$ Tob$^{\text{o}}$ on Ordinary Lycences.

Resolved that the Clks shall have but 30 & 20$^{\text{li}}$ Tob$^{\text{o}}$ for their fees.

Which Bill was Read w$^{\text{th}}$ the Amendments & thus endorsed Viz:

By the Lower House of Assembly June 6$^{\text{th}}$ 1717

Read the second Time with the Amendments & will pass.
Signed p Order Mic: Jenifer Cl. Lo: Ho:

The house adjourns till one a Clock in the Afternoon.

Post Meridiem.

The House meet According to Adjournment.

The House being called over Appear as in the Forenoone.

A Bill for regulating Ordinaries Sent to the upper House by M$^{\text{r}}$ Tyler M$^{\text{r}}$ Dare Cap$^{\text{t}}$ Colegate and M$^{\text{r}}$ Frisby.

They return and say they delivered it.

The Petition of John Oldham referred from last Sessions to this Praying leave to bring in a Bill to empower him to build a Wind Mill on Oxford Town point. Leave is given to bring in a bill to build a Wind mill on the Strand as Prayed.

Sent up to the Comittee of Laws p Col$^{\text{o}}$ Mackall to be engrost a Bill for building a Court House for Cecill County.

M$^{\text{r}}$ Lowe from the upper House delivers M$^{\text{r}}$ Speaker a Supplementary Bill to the Act relating to Serv$^{\text{ts}}$ and Slaves thus Endorst, Viz:

By the Upper House of Assembly June the 6$^{\text{th}}$ 1717.

Read the first and Second Times and will pass.
Signed p Order John Beard Cl: up Ho

Read in this house a Supplementary Bill to the Act relating to Servants and Slaves and ordered to be thus endorst viz$^{\text{t}}$

By the Low$^{\text{r}}$ House of Ass$^{\text{y}}$ June the 6$^{\text{th}}$ 1717.

Read the Third Time and Past for engrosing.
Signed p Order Mic: Jenifer Cl: Lo Ho.

Col° Holland from the upper House Delivers M^r^ Speaker a Supplementary Bill to the act for Limitacõn of Officers ffees thus endorst Viz: L. H. J.

By the upper House of Assembly June 6^th^ 1717.

Read the first Time and will Pass with the Amendm^ts^ Propos'd viz: (The Officer to loose such fees if exprest in Words cutt off or abreviated and if any the Publick Officers of this Province haveing made out his fees in abreviated Words contrary to the true Intent and meaning of this act that then such Officer insisting on the levying such fees as Af^d^ shall be fined five hundred Pounds of Tobacco) and whereas Complaint has been made to his Excy by his Maj^tys^ Comissioners of the Customes in great Brittain of the Fees taken by the Navall Officers and Collectors in this Province this board has proceeded to settle the Collectors fees as Appears by the List herewith sent to which his Maj^tys^ Surveyour Generall being present gave his approbacõn as being just and reasonable also the Navall Officers fees being Setled by this house as by the list likewise sent are both recomended to you to be added to this act. Signed p Order
Jn° Beard Cl up ho

On reading the Pet° of the Vestry of Saint Ann's Parish praying Leave of this House to make use of the Publick Pews in that Parish Church at their Discretion. The Question was put whether the same shall be granted or rejected.

Resolved the same be rejected by the Majority of Votes. Whereupon the same Peticõn is rejected.

Bill for Laying an Add^l^ Duty on Irish Papists and Negroes was read with Amendments and Ord^rd^ to be thus endorsed Viz:

By the low^r^ house of Assembly June the 6^th^ 1717

Read the third time by especiall order and past for engrossing. Signed p order Mic: Jenifer Cl: Lo Ho

Which was Sent to the Comittee of Laws to be engrost.

The Petition of Edw^d^ Smith praying a further allowance than what was formerly agreed on for repairing the Prison.

Ordered the Comittee of Acco^ts^ Allow him five Pounds Curr^t^ mony.

Coll Mackall from the Comm̃e of Laws delivers M^r^ Speaker A Bill for the Punishment of such as shall Counterfiet his

L. H. J. Lpps Seales &c^{a} wth the Amendments which was thus endorst Viz.

By the lower House of Assembly June the 6th 1717
Read the second time wth the Amendm^{ts} and will pass.
Signed p Order. Mic: Jenifer Cl: Lo: Ho.

Which was Sent to the upper house by Coll Mackall M^{r} Charles Wright & Cap^{t} Fendall.

They return and say the delivered it.

Maj^{r} Robins from the Comittee of Laws delivers M^{r} Speaker a Bill for the Publicacōn of Marriages which was read in the house and ordered a Second reading to morrow, Which was So endors'd.

Coll Coursey & Coll Smith from the upper house Deliver M^{r} Speaker a Bill for the regulacōn of Ordinaries with the following Message Viz:

By the upper house of Assembly
June 6th 1717

Gent.

On reading the Bill from Your house by Cap^{t} Colegate and three others for regulating of Ordinaries His Excy was pleased to say to this House as follows.

The Lord Prop^{ry} in the 11th Article of my Instruccōns already Laid before you asserts the Ordinary Lycences to be undoubtedly in his Lpp and then disposes of them as his Lpp thinks fitt being a Branch of his Prerogative and therefore I cannot in his Lpps name Pass this Bill into an Act which takes from his Lpps right and gives it to him only as a Complement and hope the lower House will think Convenient to alter some part of the preamble to this Bill. Whereupon you may perceive that the Law Cannot pass with the Preamble as it now Stands and We must further observe to you that We are of opinion that the right of granting Ordinary Lycences is in the Lord Prop^{ry} nothing having yet appear'd to us Shewing the Contrary. But if you Cannot Come up to our Opinion We Desire you'll join in a Conferrence with some members of this House, whereby We hope to Convince you of the reasonableness thereof.

Signed p Order
Jn^{o} Beard Cl: Upp. Ho:

Whereupon M^{r} Tyler Coll Mackall Capt. Codd Coll Maxwell M^{r} Hill and Cap^{t} Colegate are appointed Conferrees and ordered the following Message be prepaired Viz:

By the Low^{r} House of Assembly June the 6th 1717 · L. H. J.

May it please your Hon^{rs}

On reading your Message by Coll Coursey and Col^{o} Smyth on the Bill for regulating Ordinaries, We Cannot Concurr with the Opinion of yo^{r} House and therefore have resolved that the Conference be granted and that M^{r} Robert Tyler Coll John Mackall Cap^{t} S^{t} Lieger Codd Coll James Maxwell M^{r} Joseph Hill and Cap^{t} Richard Colegate be appointed to Conferr with the Conferrees to be named by your House And Desire your Hon^{rs} will appoint the Time and Place.

Signed p Order Mic: Jenifer Cl: Lo: Ho:

Which was accordingly sent to the upper house by the Above Gent appointed Conferrees.

They return and say they delivered it.

Coll Coursey Esq^{r} Lloyd & Coll Tilghman from the upper house Deliver M^{r} Speaker the following Message Viz:

By the upp^{r} house of Assembly June 6th 1717.

Gent. In answer to your Message by M^{r} Tyler and five other members of your House We have appointed Col^{o} W^{m} Coursey Philemon Lloyd Esq^{r} and Coll Richard Tilghman three of the members of our House to Conferr with the Gent menconed in your Message ab^{t} the act for regulating Ordinaries who are ready to join with you at the house of M^{r} John Dodd in the City of Annapolis at Six of Clock this Evening.

Signed p Order John Beard Cl: up Ho.

Esq^{r} Hall from the upper House delivers M^{r} Speaker the Bill for the Punishment of such as shall Counterfiet the Lord Prop^{rys} greater or lesser Seale at Arms &c. thus endorst Viz.

By the upper House of Assembly June 6th 1717.

This Bill being read in this house it will pass with the Amendments Proposed Viz: That the Person Convicted of any the Crimes in this Act mentioned shall be whipt with thirty nine Lashes stand in the Pillory for Two Hours and be banisht the province for Ever Instead of being punished by having both his Ears Cutt off. Signed p Ord^{r}

Jn^{o} Beard Cl: Up Ho:

L. H. J. Which Bill with the Endorsement was read in the house by especiall order and was Amended accordingly and ordered to be thus Endorst Viz:

By the Lower House of Assembly June 6th 1717.

Read the third Time with the Amendments by Especiall Order and past for engrosing.

Signed p Order Mic: Jenifer Cl: Lo: Ho:

And sent p Majr Harris to the Comittee of Laws to be engrost

The house adjourns till to morrow Morning Eight a Clock.

Friday Morning June the 7th 1717.

The House meet according to Adjournment who being Called over appear as Yesterday except Mr Charles Wright who is excus'd by reason of his Sickness

Yesterday's Proceedings are read.

On a Petition Preferr'd by the Inhabitants of Dorchester County against the Justices of the same County for selling the Arrearages of Amerciaments in tht County at an under rate the Severall Justices appear at the Barr of this House and this House having heard their allegacõns in Excuse. Ordered the same be referr'd to the Upper House to do what may be Necessary therein. Which peto wth that Endorsmt was Sent to the upper House by Mr Brannock and Mr Meekins.

They return and say they delivered it.

Mr Bordley delivers Mr Speaker the rough Draught of an Address to the Lords Propry and Guilford prepar'd by himself Mr Rousby & Capt ffrisby which was read and approved by the house and ordered to be fair writt over.

Bill ascertaining the Gauge and Tares of Tobo hhds &c: being thus endorst Viz.

By the Lower House of Assembly June 7th 1717.

Read with the Amendments and will Pass.

Signed p Order Mic: Jenifer Cl: Lo: Ho.

Was Sent to the upper house by Mr Rousby Capt ffrisby Mr Young and Majr Bradford with the following Message Viz.

By the lower House of Assy June the 7th 1717.

May it please yor Hons We have Considered your Hons Message of yesterday by Philemon Lloyd Esqr Wth the Method

Proposed as a regulacōn of the Law relating to his Lpp's rev- L. H. J.
enue and by that it seems their Lpp's Understand the giving up the Quit Rents and Alienacōn Fines as an Inducement to the raising the whole duty of three Shillings and three Pence ꝑ hh^{d} which never was the Sense of the Country, but th^{t} the 15^{d} Part thereof was purely raised for Support of Governm^{t} without any other Consideracon.

We find by the Law made in 1670 the only Consideracōn for the raising the Two Shillings ꝑ hh^{d} was that of Supporting Government so necessary to all Comunities and the Applicacōn in Lieu of the rents is only made by way of Provisoe in that Law & nothing Appears in any the later Acts th^{t} can be reasonably understood to raise the two Shill^{s} merely in Consideracōn of the easy Payment of the rents & fines And if it Should be now Suggested by the Act as proposed th^{t} the Easy Paym^{t} of the rents &c^{a} is our only Inducement to raise that sume It might be fairly Suggested we were unjust Stewards to the Country in raising so much in Lieu of the rents beyond their Value and a people unworthy to reap the benefits of Government by raising nothing for it's Support and since We are Apprehensive the proposalls Sent us might admit of such Constructions We Cannot consent [to] the Alteracōn any other ways than as it now Stands and pray your Hon^{rs} assent thereto. Signed ꝑ Ord^{r} Mic: Jenifer Clk Lo: Ho:

They return and say they delivered the Bill & Message

On reading the Petition of George Walls of Charles County a languishing Prisoner referr'd from the Upper House on the 5th Instant Leave is given to bring in a Bill as prayed. Maj^{r} Harris from the Comē of Laws delivers M^{r} Speaker the following Engrost Bills Viz:

A Bill for the Punishment [of such] as shall Counterfeit his Lpps Seales &c^{a}

Another for building a Court House for Cecill County.

Another for laying an Addicōnall Duty of Twenty Shillings Curr^{tt} mony ꝑ poll on Irish Papists and Negroes &c^{a}

Another Supplementary Bill to the Act relating to Servants and Slaves.

Which said four Preceeding Bills were read in this House and ordered to be Severally thus endors'd Viz^{t}

June the 7th 1717.

Read and assented to by the lower House of Assembly.
& Signed ꝑ Order Mic: Jenifer Cl: Lo: Ho:

L. H. J. M^r Tyler from the Committee of Conferrence delivers M^r Speaker the following report of the Conferrees viz:

At a Conference held at the house of M^r Jn° Dodd on Thursday June the 6^th^ 1717 in relation to an Act to be made for regulating Ordinaries &c^a^ The Conferrees appointed are

The Hon^ble^ { Col° William Coursey, Philemon Lloyd Esq^r^, Col° R^d^ Tilghman } of the Upper house of Assembly.

and

The Hon̄ble { M^r^ Rob^t^ Tyler, Coll John Mackall, Cap^t^ S^t^ Lieg^r^ Codd, Coll James Maxwell, M^r^ Joseph Hill, Cap^t^ R^d^ Colegate } of the Lower house of Assembly.

The Conferrees adjourns till to morrow morning

Friday morning June the 7^th^ 1717 the Conferrees meet according to adjournment Present as Above.

Whereupon the said Conferrees proceed to Consider the Subject Matter of their meeting Concerning the Act af^d^ And upon due Consideracon & Debate thereof the said Conferrees agreed that instead of the words mentioned in the Preamble of the said Law (accept of those fines &c^a^) these words following be inserted viz. (accept of our readiness in laying the fines Proposed on the Ordinary Lycences) which we Humbly referr to the Lower House for their Consideracōn thereof

Signed p Order Jo^n^ Beale Cl: Conferrees

Which being read the house Concurr therew^th^ and ordered the preamble of the Bill be altered according to that Report which was amended accordingly.

On a mocōn made by the Comittee of Accounts th^t^ whereas on Inspecting the act ascertaining Councillors and Delegates allowance they Don't find therein any allowance made to the Members of the Councill out of Assembly Time. They pray the Direction of the House therein, which is referr'd to the Consideracōn of next Sessions.

The following Message Sent to the upper House by Col° Mackall M^r^ Lloyd Col° Herrman and M^r^ Young Viz.

By the Lower House of Assembly June the 7^th^ 1717.

May it Please your Hon^rs^. On reading the Report of the Conferrees on the Bill for regulating Ordinaries this House

doth Concurr therewth and have accordingly altered the pre- L. H. J.
amble of the Act which We have herewith Sent with that Amendment and desire your Hon^{rs} Concurrence.

Signed p Order Mic: Jenifer Cl: Lo: Ho.

With which Message the Bill for regulating Ordinaries was sent thus endorst viz:

By the Lower House of Ass^{y} June the 7th 1717
Read with the Amendments and will pass.
Signed p Order Mic: Jenifer Cl: Lo: Ho:

They returne and Say they delivered them.

Coll Holland & Coll Coursey from the upper House Deliver M^{r} Speaker the Bill for regulating Ordinaries thus endorst Viz:

By the Upper House of Assembly June the 7th 1717.
Read with the Amendments and will Pass.
Signed p Order. Jn° Beard Cl: up Ho:

Which was read again and ordered to be thus endorst Viz:

By the Lower House of Assembly June the 7th 1717
Read the third time by especiall Ord^{r} & Past for Engrosing.
Signed p Ord^{r} Mic: Jenifer Cl: Lo: Ho:

And sent p Maj^{r} Harris to the Comittee of Laws to be engrost.

Esq^{r} Lloyd and Coll Tilghman from the upper house Deliver M^{r} Speaker the Bill Ascertaining the Gauge and Tare of Tobacco hh^{ds} &c^{a} Thus endorst viz:

By the Upper House of Assembly June the 7th 1717.
Read in this house & will pass
Signed p Order Jn° Beard Cl: Up^{r} Ho:

Which was read in this house and ordered to be thus Endorst, Viz:

Read the third Time by especiall Order and past for Engrossing.
Signed p Order Mic. Jenifer Clk. Lo. ho:

L. H. J. Which was Sent p Majr Harris to the Comittee of Laws to be engrost.

Ordered that Mr Bordley Coll Hynson & Capt ffrisby Prepare a Letter to the Agent.

The house Adjourns till one a Clock in the Afternoon

Post Meridiem.

The House meet according to adjournment who being Called over appear as in the Forenoon.

A Bill for the Publicacon of Marriages read and ordered to be thus endorst Viz:

By the Lower House of Assembly June 7th 1717

Read the second Time and will Pass.

Signed p Ordr Mic: Jenifer Cl: Lo: ho:

And sent to the upper House by Mr Scott, Mr Turbutt & Mr Hanson.

They return & say they delivered it.

On reading the Supplementary Bill to the Act for Limitacōn of Officers fees and Yesterday's Message thereon. Ordered the Comittee of Laws amend the Bill according to the Proposall in that Mesasge and inspect the Laws to see if the Lists therewith sent be agreeable to those Laws wch Bill was endorst Accordingly and Sent to the Comittee of Laws p Majr Harris to be amended.

The Peticon of Thomas Hynson Wright on behalf of John Coursey's Heir at Law Praying Leave to bring in a Bill to Confirm Henry Coursey Senrs Will was read and the Parties being heard by their Councill in relacōn thereto.

The Question was put whether a Bill shall be brought in as Prayed.

Resolved in the negative by the Majority of Votes Whereupon the Petition is rejected.

A Bill for the relief of George Walls a languishing Prisoner of Charles County was read and ordered to be thus endorst Viz:

By the Lower House of Assy June the 7th 1717.

Read the first and Second Times by especiall Order & will pass

Signed p Order Mic: Jenifer Cl: Lo: ho:

Which was Sent to the upper House by Mr Hanson and Mr Taylor. They return and say they Delivered it.

A Bill empowering John Oldham to build a Wind Mill in the Town of Oxford on the Strand read and Ordered to be thus endorst viz. L. H. J.

By the lower House of Assembly June the 7th 1717.

Read the first and Second Times by especiall Order and will pass

Signed p Order Mic: Jenifer Cl: Lo: ho.

And sent to the Upper House by Colº Scott and Mr Young. They return and say they delivered it.

Coll Tilghman from the upper House delivers Mr Speaker a Supplementary Bill (Prepared in tht House) to the Act Ascertaining the bounds of Land within this Province which was read the first time & Ordrd a Second Reading.

Coll Holland from the upper House delivers Mr Speaker the following Message Viz:

By the upper House of Assembly June 7th 1717.

Gent. His Excy having Comunicated to this House the following Instruccōn from the Lord Propty we recōmend it to the Consideracōn of your House viz:

Whereas eight p Cent without our Privity or Knowledge has been deducted out of the eighteen Pence p hhd, and as it were against our Consent, when the Condicōn on which we declared to you that We were willing to agree to the Law made in our ever Honoured Father's Lifetime was provisionally that the mony given by the new intended Law should be made payable to ourselves and nothing being at all then or therein Menconed of a Deduction for the Navall Officers for their Collecting thereof And We having then ready Officers of our own whose Sallarys for tht year We must pay and who was Suffered to Collect the Tonage of Ships only We think it just and equitable that the said Eight p Cent be made good to us and Cannot think it either becomes the Navall Officers or anybody for them to be their own Carvers But that they ought to leave us to give our own Officers what We think fit for their Service.

Signed p Ordr Jnº Beard Cl: Upp Ho:

Colº Holland from the Upper House delivers Mr Speaker a Bill for the relief of George Walls thus endorst Viz.

By the Upper House of Assembly June 7th 1717.

Read in this House and will pass. Signed p Order

Jnº Beard Cl: Upr Ho:

L. H. J. Which was read in this House and ordered to be thus endorst Viz:

By the Lower House of Assembly June 7th 1717.

Read the third time by especiall Order and past for engrosing

Signed p Order Mic: Jenifer Cl Lo: ho:

And sent p Majr Robins to the Comme of Laws to be engrost.

Coll Coursey from the upper house Delivers Mr Speaker the Bill for the Publicacon of Marriages thus endorst Viz:

By the upper House of Assembly June 7th 1717.

Read & will Pass. Signed p ordr
Jno Beard Cl Up Ho:

Which was read again in this House and thus endorst viz:

By the Lower House of Assembly June the 7th 1717.

Read the third time by especiall Ordr and past for Engrosing

Signed p Order Mic: Jenifer Cl Lo: Ho.

& sent up p Majr Robins to the Comittee of Laws to be engrost

Esqr Hall from the Upper House delivers Mr Speaker a Bill empowering Jno Oldham to build a Wind mill &ca thus endorst viz:

By the Upper House of Assembly June the 7th 1717

Read in this house & will Pass. Signed p Ordr
Jno Beard Cl: Uppr Ho:

Which was read in this house and ordered to be thus endorst Viz.

By the Lower House of Assembly, June the 7th 1717.

Read the third Time by especiall Order & Past for Engrosing

Signed p Order Mic: Jenifer Cl: Lo: H.

& sent p Majr Harris to the Comme of Laws to be engrost.

The House Adjourns till to morrow morning Eight a Clock.

Saturday Morning June the 8th 1717

The house meet according to Adjournment who being called Over appear as yesterday.

Yesterday's Proceedings are read. L. H. J.

Mr Tyler from the Comittee of Aggrievances delivers Mr Speaker the following report from that Comittee, Viz:

By the Comittee of Aggrievances June the 4th 1717.

It is humbly offered to this Comittee as an Aggrievance that Exrs and Admr are not Confin'd by any Strict Law of our Country to Settle and make up Acct with the Comty under a year and a day nor any Law to force the Exr or Admr to deliver to the heirs a Proportionable part of the Ballance of the Testator's Estate till the Accounts are fully Stated and made up wch may not be done in Seven Years except the Exr or Admr Pleases which is the greatest abuse as can be done to Orphans. Therefore it is Prayed that an act may Pass to force an Exr or Admr to deliver the Orphans upon giving in the first Account a Proportionable Part of what then appears to be due if the heir or heirs be at full age to demand the same Provided the heirs give good Security to refund a Proportionable part of wt Claims shall be justly made Appear by the Exr or Admr, and tht no Injunction shall be brought in Chancery to Delay any Orphans of their right there to remain undetermined above two Courts.

It is also further Offered to this Comittee as an Aggrievance that the Sherriffs of Severall County's doth purchase Ordinary Keeper's Tobacco in their Severall Counties and Scares the poor People with Execucōn which abuses the poor and Advances the Sherriffs the which is referr'd to the House for their Consideration

It is also further Offered to this Comittee as an Aggrievance that the Publick business of this Province of the Severall Courts is so long Delayed that it is even a Discouragement to the Suitors to seek for their Just right being many Times for Six or Seven Years Depending which forces the Suitors many Times to Agree their Causes to their great Disadvantage It is therefore prayed that an Act may Pass to oblige all County Courts to hear and Determine all Accōns brought in their Severall County Courts within Six months from the time of Comenceing the said Action. And that the Provinciall Court determine all Actions within twelve months From the Time of Comencing the said Action. And all Actions brought in the High Court of Chancery and before the Govr and Councill to be determined in Eighteen months from Comencing the said Accōn or Struck off.

Signed p Ordr
Richd Young Junr Clk.

Which being read the Consideracon thereof is referr'd to next Sessions.

L. H. J. Mr Hill from the Comittee of Accounts delivers Mr Speaker the Journall of that Comittee which was read in the house and ordered to be thus Endorsed viz:

By the Lower House of Assembly June the 8th 1717.
Read and Assented to by the Lower House of Assembly And
Signed per Order Mic: Jenifer Cl: Lo: Ho.

And sent to the upper house by Capt Fendall and Mr Waughop

They return & say they delivered it.

Majr Harris from the Comittee of Laws delivers Mr Speaker the following engrost Bills Viz.

An Engrost Bill ascertaining the Gauge and Tare of Tobacco hhds &c. which was Sent to the upper House by Capt Greenfield Capt ffendall and Mr ffrisby.

They return and say they delivered it.

An Engrost Bill for regulating Ordinaries, wch was sent to the upper House [by] Mr Tyler & Mr Emerson.

They return and say they delivered it.

An Engrost Bill for the Publicacon of Marriages.

An Engrost Bill empowering John Oldham to build a Wind mill

Which two Last mentioned Bills were sent to the upper house by Majr Wilson & Mr Turbutt

They return & say they Delivered them.

Which said four Preceeding Bills were Severally thus endorst Viz.

June the 8th 1717.
Read & Assented to by the Lower House of Assembly.
& Sign'd p Order Mic: Jenifer Cl Lo Ho.

A Supplementary Bill to the Act Ascertaining the bounds of Lands within this Province read and ordered to be thus endorst viz:

By the lower House of Assembly
June the 8th 1717

Read the second Time and will pass with the Amendmts propos'd viz: that the Comissioners of review be allow'd but 100li Tobo p Day.

Signed per Order M: Jenifer Cl Lo. ho:

And Sent to the upper house by Cap^{t} Greenfield & M^{r} L. H. J. Charles Wright. They return and say they delivered it.

Coll Addison from the upper house delivers M^{r} Speaker the following Message viz:

By the Upper House of Assembly June the 8th 1717.

Gent. We take notice that the Allowance to the Commissioners of the Review is no more then what is Given to the first Commissioners and as we think it highly reasonable that there shou'd be some mark of Distinction, one of the Com^{rs} of review being to be Either of his Lordships hon^{ble} Councill or of the Prov^{ll} Judges And farther that it is very probable they will be required to Travell to Severall Countys remote from their Habitation, which by the Provision that is made will not be suff^{t} to defray their Necessary Charges.

This is referr'd to your Consid^{n}, tho' for the Good of our Country we are willing at this time so usefull a bill shou'd pass.

Signed per Ord^{r} John Beard Cl: Up^{r} Ho:

With which Message was delivered the Supplementary Bill to the Act ascertaining the bounds of Land, which was read in this house and thus endorst viz:

By the Lower House of Assembly June the 8th 1717.

Read and past for engrosing. Signed p Order
Mic: Jenifer Cl: Lo: Ho:

Ordered that Col. Young the Treasurer of the Western Shore pay to the Agent one hundred pds Sterl. for his Sallary at the Expirat^{n} of this year.

Col^{o} Coursey from the upper House Delivers M^{r} Speaker A Bill for the Security of Mary Smithson in the Paym^{t} of a Debt due from Col^{o} Thomas Smithsons Estate to the free schools thus Endorst.

By the upper house of Assembly June 8th 1717.

Read in this house and will Pass. Signed p Ord^{r}
John Beard Cl: Upp. Ho:

Which was read in this House and thus Endorst, viz:

By the Lower House of Assembly June the 8th 1717.

Read the first and Second times by Especiall order & will Pass Signed p order Mic: Jenifer Cl: Lo. Ho:

L. H. J. And was afterwards read again and thus Endorst viz:

Eod. die

Read again by Especiall Ord^{r} & Past for Engrossing.
Signed p Ord^{r} Mic: Jenifer Cl. Lo: Ho:

And Sent to the Committee of Laws to be Engrost per Col^{o} Mackall.

Col. Mackall from the Comittee of Laws Delivers M^{r} Speaker a Supplementary Bill to the Act for Limitation of Officers fees amended which was read and ordered to be thus Endorst Viz:

By the Lower House of Assembly June the 8th 1717.

Read the Third time with the Amendments and past for Engrossing.
Signed per Ord^{r} Mic: Jenifer Cl: Lo: Ho:

And Sent to the Committee of Laws to be Engrost.

M^{r} Tasker Delivers M^{r} Speaker the report of Samuell Young Esq^{r} M^{r} Benjamin Tasker and M^{r} John Beale which was read and ordered to be entered as follows viz:

To the hon̄ble Lower House of Assembly.

We the Subscribers three of the persons mencon'd in the Act of Assembly for the repair of the Publick Records of this province &c^{a} have (pursuant to the power given us by the said Act) Agreed with M^{r} Evan Jones to be Chief undertaker for the transcribing and Examining the Publick Records of this Province at the rate of four Pounds of Tobacco p side for transcribing and Examining, Computing seven words to a Line and fifteen Lines to a side the said Jones to be allow'd and paid every year at the Time of laying the Publick Levy for what he shall transcribe and Examine, And for the said Jones' faithfull performing the same we have taken bond in one thousand Pounds Sterling with Maj^{r} John Bradford his Suretie with Condition that the said Jones shall well and Truly transcribe & Examine such Publick Records as shall from time to time be Delivered to him According to the Originall Records without diminishing altering defacing or imbezeling the Same Originall Records or any Part thereoff or Suffering the same so to be nor shall the said Jones employ any Person or Persons whatsoever for transcribing and exam[in]ing the said Records but such as shall first take their Oaths for their faithfull Service in that Behalf and be ap-

proved by us as by the said bond transmitted to the Secretary's Office referrence being thereto had may more at large appear. We have Likewise Administred an Oath to the said Jones and to the man that he has employed for the faithfully transcribing the said Records according to the Cond° of the bond Af^d^ And we have on behalf of the Country Signed Articles of Agreement that the said Evan Jones shall be paid by the Publick According to the Agreement made with him as af^d^. L. H. J.

All which our Proceedings are humbly Certified and laid before your Hon^rs^ for your Informacon and approbation in the premisses by,

Your Honours humble Serv^ts^

June the 8^th^ 1717

Sam^ll^ Young
Benj^a^ Tasker
Jo: Beale

Which being read the House approves thereof.

The House adjourns till one a Clock in the Afternoon.

Post Meridiem.

The house meet according to Adjournment Present as in the Forenoone.

Brought down from the Com̄e of Laws an Engrost Bill for the Security of Mary Smithson In the payment of a Debt due from the Estate of Col° Thomas Smithson to the Free schoolls Which was read and ordered to be thus endorst viz:

June the 8^th^ 1717.

Read and Assented to by the Lower House of Assembly & Signed p Order Mic: Jenifer Cl: Lo: Ho:

And sent to the Upper House by M^r^ Rousby & M^r^ Young They returne and say they Delivered it.

M^r^ Harris from the Com̄e of Laws Delivers M^r^ Speaker an Engrost Bill for the relief of George Walls which was read and Ordered to be thus endorst viz.

June the 8^th^ 1717.

Read And Assented to by the Lower House of Assembly, and Signed per Order

Mic: Jenifer Cl: Lo: Ho:

L. H. J. As also an Engrost Bill being a Supplementary Bill to the act assertaining the bounds of Land within this Province, read and Ordered to be thus Endorst viz:

June the 8th 1717.

Read and Assented to by the Lower House of Assembly and Signed p Order

Mic: Jenifer Cl: Lo: Ho:

Both which Bills were sent to the upper house by Coll. Scott & Mr Jowles.

They return and say they Delivered them.

The Question being put whether a Clause shall be Added to the Bill for laying the Publick Levy this year empowering the same Comittee to lay the Publick Levy next year or not, Resolved in the negative Nemine Contradicente.

Coll Young from the Upper house Delivers Mr Speaker the Journall of the Comittee of Accounts thus Endorst Viz:

By the Upper House of Assembly June The 8th 1717.

Read and Assented to by the Upper house of Assembly & Signed p Order John Beard Clk Up Ho

The following Message Sent to the upper house by Major Wilson Mr Pollard & Mr Hopkins viz.

By the Lower House of Assembly June 8th 1717.

May it please Your honrs

We find by the act made the 26th day of April 1715 that the 18d p hhd was raised to the right honble Benedict Leonard Lord Baltemore in Lieu and Stead of the 12d p hhd raised to the late Charles Lord Baltemore in Consideration of his taking his Quit Rents and Alienation fines in Tobacco at 2d p l, and was to be paid to the Severall Navall Officers by the Master of Every Ship or Vessell &ca That the Navall Officers on receipt of the 18d p hhd were obliged to render an Account of and pay the Same to The Publick Treasurers of this Province to be by the Treasurers accounted for and paid to the right Honble Benedt Leonard Lord Baltemore in Case he should be favourably pleased to accept the same in Consideration of his receiving his Quit Rents and Alienacon Fines in Tobacco at 2d Sterling p Pound after such Acceptances should be duly signified to this Province otherwise the said Mony was to be applyed to the defraying the Publick Charge.

We also find by an Act past the 9th August last to Confirm his Lpp's Acceptance of the said 18d p hhd (which his Lpp

has Signified his Assent to) that his Lpp was willing to accept of the Said 18 ꝑ hhd on the Conditions menconed in that Law. We presume his Lpp accepted the said mony as then raised And therefore We hope his Lpp Cannot Esteem it a Carving for themselves that the Navall Officers have Charged Eight ꝑ Cent for receiving Since that is the Sallary allowed them by Law for their Collections and We apprehend his Lpp or his Agent here Could not be otherwise than privy to the manner of the Collection, since 'tis directed in the body of the Law and the mony being actually collected by the Navall Officers before his Lpps Acceptance Signifyed We Cannot think of wt Service his Lpps own Officers could be in the Collecting that mony which was but Conditionally raised or that such Charge could be any Surprize uppon his Lpp, but if these reasons will not Sufficiently Weigh with your Hons to exempt us from the Reimbursing My Lord the 8 ꝑ cent Sallary Afd We must humbly Desire tht your Honours will Consent to have the same referr'd till next Sessions, being in hopes tht the Business of this Session is near a Conclusion. Signed ꝑ Order L. H. J.

Mic: Jenifer Clk Lo: Ho:

They return and Say they Delivered it. Mr Harris from the Comittee of Laws delivers Mr Speaker an Engrost Bill being a Supplementary Bill to the Act for Limitacon of Officers fees which was read and Ordrd to be thus endorst viz:

June the 8th 1717

Read & Assented to by the Lower House of Assembly & Signed ꝑ Ordr

Mic: Jenifer Cl Lo: Ho.

And sent to the upper House by Mr Turbutt and Mr Emerson.

They return and say they delivered it.

Col° Addison from the Upper House delivers Mr Speaker the following Message viz:

By the Uppr House of Assembly Saturday June the 8th 1717.

Gent. On reading your Message ꝑ Majr Wilson & two others relating to the eight ꝑ Cent We agree the Consideracon thereof be referr'd to the next Session of Assembly.

Signed ꝑ Order John Beard Cl. Uppr Ho:

Whereupon the same is referred till next Sessions.

Resolved that a Sume not Exceeding 50l Sterling be raised out of the three pence ꝑ hhd for maintaining a Magazine towards the finishing the Councill Room &ca now to be built.

L. H. J. Ordered that Samuell Young Esq^{r} Treasurer of the Western Shore enclose such Bills he shall recieve for the three pence ꝑ hh^{d} for the Maintaining a Magazine in a Lrē in the presence of M^{r} Hill and M^{r} Tasker directed to Cap^{t} Hyde and that he Deliver the Lrēs with the Bills inclosed to the said M^{r} Hill & M^{r} Tasker to be put on board some ship bound for great Brittain.

An Address to the Lords Prop^{ry} and Guilford read in the House & Sign'd ꝑ M^{r} Speaker and the rest of the members of this House Which Address follows in these Words viz:

To the Right Hon^{ble} Charles Absolute Lord and Proprietor of the Provinces of Maryland and Avalon Lord Baron of Baltemore and to his Lordships Noble Guardian the R^{t} Hon̄ble Francies Lord Guilford.

We the Delegates of this present Generall Assembly met to represent the People of this Province under your Lordships Governm^{t} beg leave to address your Lordship wth our humble & hearty thanks for the Engageing Speech delivered us at the opening this Sessions by your Lordships Lieuten^{t} Governour and with an humble Chearfulness to congratulate your Lordships on this happy occasion of Declareing our Selves inseperably engaged to the Interest of our Lord & Prop^{ry} who has so Eminently distinguisht himself by the meritorious Character of a Loyall Subject to our Soveraign Lord King George & a true Protestant Governour to us under a resolution to Live & Dye a faithfull member of the Church of England. By this whatever Endeavours have been used by some to aggrandize themselves by perswading others to believe their Romish Principles would infallibly make them great in your Lordship's Esteem are become intirely fruitless, and we cannot but think them far from being real ffriends to y^{r} Lordships who at the same time they pretended so to be malitiously Imputed insincerity to yo^{r} Lordship's and gave out that as a proper foundation whereon to raise their own Grandieur and Keep others in awe.

We again beg leave to Congratulate your Lordships on this happy occasion whereby all Jealousies are Effectually removed and we become a victim to your pious resolutions.

Your Lordships haveing at heart the wellfare and Prosperity of the People of this Province Equall to that of your own is a favour we cannot more Gratefully acknowledge than by haveing your Lordships Honour and Interest and the prosperity of your People Equally at heart by which our Endeavours may be reasonably hoped to concenter in the Comon Good.

The Condition on which your Lordships were pleased to give up the Quitt Rents & Alienation ffines (which we take to be the Impost of two Shill^{s} ꝑ hh^{d}) is to be Esteemed a favour Especially Since your Lordships Designe is Such for the reliefe of the Poor & more numerous part of the People a regard that Justly obliges us to be Dutyfully Trankfull; and when we lye under Such a Sence of obligation it is with pleasure we reflect on the agreeable Expedient that at once renders the receipt of your Lordships rents advantagious and Easy To your Lordships and at the same time Encourages the Improvement of your Lordships Dominion by makeing the paym^{t} Easy to the People. L. H. J.

On this Occasion we humbly remark that the money which is appropriated to the Support of your Lordships Goverm^{t} has formerly been & yet is raised on no other Considerations that we can think of than the necessity of haveing the Goverm^{t} Supported for the Com̄on Good of it Self and the people, the only Ends we desire it to be applyed to and thô we are under no apprehension of a Misapplication thereof under your Lordships p^{r}sent Establishm^{t}, and have therefore in great Measure Conformed to the Directions given by your Lordships, yet we must beg leave humbly to offer that wth us it seems but reasonable as we bear a part in the raising that Revenue for the Support of Goverment It may be thought our Duty to take Care of the Applicacon of it, for as we shall always Esteem it our Duty to be Faithfull to your Lordships we must in Complyance therewith be Just to our Countrey;

May it Please your Lordships. Your Lordships Instructions relateing to Ordinary Lycences has been Comunicated to us this Session by Your Lordships Lieut Governour by which your Lordships are pleased to, Insist upon the fines to be layd upon Ordinary Keepers as a right to Your Lordships by prerogative on which We Observe our Predecessors in all the preceeding Assemblys of the Late Reigne have maintained their pretentions that such fines Could not be Imposed or Levyed without the Consent of the people here against the most Pressing importunities of the late Secretary thô: he had obtained her late Ma^{tys} order in Councill in his favour when the Governm^{t} of this Province was Imediately under the Crown.

We presume your Lordships Secretarys are not unacquainted with the reasons then Offered in our favour and we hope they may have yet Some weight;

We should think ourselves Justly Lyable to the Censures of those we represent if we should now Give up to your Lordships as a matter of Right what our Predecessors have so

L. H. J. much Contended for & Even refused to give up to the Crown, and therefore we must entreat Your Lordships to Excuse our Complyance in this Affair, and that your Lordships will be favourably pleased to approve of the Law made this Sessions in relation thereto and accept Such fines as shall arise thereby dureing the Continu[a] of that Law as a Gratefull Acknowledgem[t] of the many favours we have of late received und[r] your Lordships Goverm[t].

From the Indulgences yo[r] Lordships have already Given us on our Late Address we are Encouraged to make known to y[r] Lord[pps] the Great want of Good Liturature within this Province whereby many good Genius's are of Little use that might otherwise be Ornam[ts] to the Countrey & Serviceable to y[r] Lordships Interest the funds at present raised for the Support of Schooles being very Inconsiderable except w[t] arise from the Impost of 1[s] p pound by the Statute of the Twenty fifth of Charles the Second Cap 7[th] on the Exporteing Tob[o] hence to Sundry his Maj[tys] Plantations, which by his Late Maj[ty] King William the third of pious Memory was applyd to the Supporting a free School in Virginia w[ch] by its Remoteness from this Province renders it wholly useless to any of its Inhabitants.

We therefore humbly begg your Lordship's remembrance of us when any opportunity shall offer to your Lordships for the Advancement of this Province in soe necessary a part.

We return your Lordships our hearty thanks for the answers of the R[t] Hon̄ble ffrancies Lord Guilford to our former address and the Assurances therein given of protecting us in the Protestant religion as also in our Civill Rights & Libertys neither of which we think in the least danger und[r] your Lordships declared resolucōns of Governm[t] having an Intire Confidence in your Lordships Constant adherence to the true faith of the Church of England and in the p[r]sent administration of your Lieut Governour, who, amidst the various Shocks he has met with, we may with boldness affirm, has, with a resolute Constancy Endeavourd to promote your Lord[pps] truest Interest here by Defending the Hon[r] of your Lordships Governm[t] and the R[ts] & Priviledges of the People under it with Impartiality; by whose Exhortation and Generous Example we shall never be wanting to shew a true Christian Principall of Charity in laying aside & Endeavouring to remove all feuds & animosities amongst us and Since your Lordships have been pleased to accept of our humble Opinions in relation to the affaires of this your Province so we beg leave to assure your Lordships that we shall always be very Sincere therein and so farr value our Rights & priviledges as to make Justice & reason the Rules of our Actions

that Thereby we may on all Occasions Demonstrate that we L. H. J.
are freely and without Influence.

Y^r^ Lordships faithfull Ten^ts^ & most Humble Serv^ts^

Bill for laying the Publick Levy for the yeare 1717.
Read and Ordered to be thus Endorst viz:

By the Lower House of Assembly June 8^th^ 1717.
Read the first and Second Times by especiall Order & will pass.

Signed p Ord^r^ Mic: Jenifer Cl: Lo: Ho:

Which was Sent to the upper House by Coll Mackall Coll Herrman and M^r^ Tasker.

They return and say they delivered it.

M^r^ Lowe from the upper House delivers M^r^ Speaker a Bill for laying the Publick Levy thus Endorst viz:

By the Upper House of Assembly June 8^th^ 1717.
Read in this House & will pass. Signed p Order
Jn° Beard Cl: Up House.

Which was Sent to the Comittee of Laws to be engrost.

Then the house proceeded to tax the fees due to the Hon̄ble Speaker and the Clerk of this House, Upon the following Private Bills viz:

To the Hon̄ble M^r^ Speaker on the Bill for Building Cecill County Court House.	1	Tob° 1000
To the Clerk for D°		500
	£ s.	d
To the Hon̄ble M^r^ Speaker on John Oldham's Bill	2..—..	—
To the Clerk for D°	1..—..	—

Col° Coursey and six others from the upper house Deliver M^r^ Speaker the following Address to his Maj^ty^ Signed by the members of th^t^ House viz:

To the King's most Excellent Maj^ty^ The humble Address of the Lieutenant Governour & generall Assembly of Maryland.

We your Maj^tys^ Dutifull and loyall Subjects of the Province of Maryland the Lieut^t^ Governour and upper and lower Houses of Assembly Convened under the right Hon̄ble Charles Lord Baron of Baltemore the Lord prop^ry^ of this Province Humbly begg Leave to Congratulate your Maj^ty^

L. H. J. upon your glorious & happy successes against all the Inveterate and declared Enemies of your Majᵗʸˢ August House who by their restless & wicked practices have of late assiduously attempted the subversion of our Happily Establish't Constitucōn by endeavouring to impose a Pretender upon us, and by engaging in a second barbarous and treasonable Design of involving your Majestys Subjects by the Assistance of forreign Powers in an Intestine bloody and Destructive Warr Providentially prevented by the Discovery of those treasonable Practices Concerted and Carryed on by a publick Minister of Sweden, in the very Metropolis of your Majᵗʸˢ Dominions.

May Continued Successes against all your Enemies both at home and abroad ever attend you, and Heaven grant you your Heart's Desire, We being Convinced by the joyfull Experience of your Majᵗʸˢ known Wisdom Magnanimity and Clemency that whatever may be in your Power will allways Terminate in the happiness of your People.

Since the Time that your Majesty out of your Princely Beneficence has been graciously pleased to restore our Lord propʳʸ (upon his Father's and his Convertion to the Church of England) his Government of this Peaceable and flourishing Province Peopled at the Charge and Industry of his Ancestors, We Cannot omit taking notice of his Lpps Early Zeale for the Religion he now Professes by the many good Laws he has already Passed tending to the Support of the Protestant Interest the Ease of the People in the payment of their Rents, and the Increase of the Trade of this Province so beneficiall to your Majestys Kingdoms and Dominions.

We pray God to continue your Majᵗʸ Blessing to all your People and that as We have the happiness to be under your Majᵗʸˢ gracious and powerfull Protection so We will allways Endeavour to approve ourselves to your Majᵗʸ and your August House, Truly loyall Humble and Obedient Subjects & Servᵗˢ.

Which was also Sign'd by the Members of this House and Sent again to that House by Majʳ Wilson Mʳ Taylor Mʳ Wright Mʳ ffendall Mʳ ffrisby Capᵗ Pollard Mʳ Turbutt Capᵗ Iowles Capᵗ Greenfield Capᵗ Baker Majʳ Hawkins and Colᵒ Maxwell.

They return & say they delivered it.

Majʳ Harris from the Comittee of Laws delivers Mʳ Speaker an Engrost Bill empowering a Comittee to lay the Publick Levy in the yeare 1717, which was read and ordered to be thus endorst viz.

June the 8th 1717. L. H. J.

Read and assented to by the Lower House of Assembly And,
Signed p Order Mic: Jenifer Cl: Lo: Ho:

And Sent to the Upper house by Mr Jas Lloyd and Mr Wm Turbutt, Who are desired to Acquaint his Excy that nothing remains Unfinished before this house of the publick Busness.

They return & say they Delivered the Bill & Message.

Colo Coursey and Coll Tilghman from the upper House acquainted Mr Speaker that his Excy Comands him and the whole house to attend him imediately in the Councill Chamber and withdrew.

Then Mr Speaker with the rest of the House went to the Upper House to attend his Excy Where his Excy was pleased to Enact the Severall Engrosed Bills following, being Severally thus endorst viz:

Read and Assented to by the upper House of Assembly &
Signed p Ordr John Beard Cl Up Ho:

into Laws by Sealing them with the right honble the Lord Proprietary's great Seale of this Province and endorsing them Severally in the manner following viz:

June the 8th 1717

On the behalf of the right Honble the Lord propty I will this be a Law. Jo: Hart.

No 1. An Engrosed Bill for the adjournmt of Talbot and Baltemore County Courts.

2. An engrost Bill for Quieting Differences between the English and Indians of what Places soever.

3. An engrost Bill for the Punishment of such as shall Counterfeit his Lpps Seales &ca

4. An Engrost Bill for building a Court House for Cecill County

5. An Engrost Bill laying an Addicōnall Duty of 20s Currant mony p poll on Irish Papists and negroes &c.

6. An engrost Supplementary Bill to the Act relating to Servants and Slaves.

7 An Engrost Bill Ascertaining the Gauge and Tare of Tobacco hhds &ca

8 An engrost Bill for regulating Ordinaries.

9. An Engrost Bill for the Publication of Marriages.

L. H. J. 10. An Engrost Bill empowering Jn° Oldham to build a Wind mill on the Strand on Oxford Town Point.

11. An Engrost Bill for the Securing Mary Smithson on the payment of a Debt due from the Estate of Coll° Thomas Smithson to the Rector Governour and Visitors of the Free-schools

12. An engrost Bill for the relief of George Walls a Languishing Prisoner of Charles County.

13. An engrost Supplementary Bill to the Act for Ascertaining the bounds of Land within this Province.

14. An engrost Supplementary Bill to the Act for Limitacon of Officers fees.

15. An engrost Bill empowering a Comittee to lay and Assess the Publick Levy for the yeare 1717.

After which his Excy was Pleased to declare th^t^ w^th^ the Advice of the Right hon̄ble the Lord pro^rys^ Councill of State of this Province he thought fit to Prorogue this Present Generall Assembly till the first day of October next to which Time the same was Accordingly Prorogued.

Afterwards M^r^ Speaker with the rest of the Members of the Lower house returned to their own House and then M^r^ Speaker resumed the Chair and reported to the House that his Excy the Govern^r^ with the Advice of the right Hon^ble^ the Lord prop^rys^ Councill of State in this Province had Prorogued this Present Generall Assembly to the first day of October next to which Time this house accordingly prorogues itself.

So endeth this Second Session of Assembly held for the province after his most gracious Maj^ty^ was pleased to restore the right Hon̄ble the Lord Prop^ry^ to the Goverment of this Province this Eighth day of June Anno D^mi^ 1717.

Test Mic: Jenifer Cl: Lo: Ho: of Assembly.

ACTS.[1]

Bacon's Laws

At a Session of Assembly, begun and held at the City of Annapolis, in the County of Ann-Arundel, the 28th Day of May, in the second Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. and ended the 8th Day of June following, in the Third Year of his Lordship's Dominion, Annoque Domini 1717, were enacted the following Laws, viz.

John Hart, Esqr Governor

A Supplementary Act, to the Act for Limitation of Officer's Fees.

Chap. II

Whereas several of the Inhabitants of this Province have complained, that the several and respective Officers within this Province, write their Accounts of Fees in such short abbreviated Words, that they cannot by any Means satisfy themselves for what the said Fees become due; for Prevention whereof for the future,

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, all the several and respective Officers within this Province, whose Fees are due upon Execution, shall and are, by virtue of this Act, obliged to draw out the Particulars of their Fees in a fair legible Hand, and the Words at full length; and on Failure thereof, such Officer to lose such Fees, if expressed in Words cut off or abbreviated. And if any the Public Officers of this Province, having made out his Fees in abbreviated Words, contrary to the true Intent and Meaning of this Act, and shall insist on the levying such Fees as aforesaid, shall be fined Five Hundred Pounds of Tobacco; one Half thereof to his Lordship the Lord Proprietor, to be applied to the Use of the

[1] The text of the Acts is taken from Bacon's *Laws of Maryland at Large* (1765) which contains only the public general laws in force at the date of that compilation. Liber LL No 4, which contained the original record, has been lost. The Acts here printed are six of the fifteen of which the titles are given on pages 105, 106, *supra*. The other nine are either local, private or temporary. The chapter numbers in the margin are those in Bacon's compilation of the session laws.

Bacon Free School in Annapolis, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province that can hold Plea of the same, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

III. And be it hereby further Enacted and Declared, by the Authority, Advice and Consent aforesaid, That the several Collectors and Naval Officers of this Province, within their several and respective Districts, for the several Acts and Things relating to their Office, by him or them to be done, shall have and receive the Fees hereafter mentioned, and no more. (That is to say,) to the Collector for Entering and Clearing a Ship or Vessel of One Hundred Tons or more, Twenty Shillings; for Entering and Clearing a Ship or Vessel under One Hundred Tons, Ten Shillings; for a Permit, Two Shillings and Six-pence; for a Navigation Bond, Five Shillings; for a Certificate to discharge a Navigation Bond, Five Shillings; for every Oath administered, One Shilling; for a Certificate to export Goods out of the Province, Five Shillings; for Transmitting and Recording a Vessel's Register, Five Shillings: And to the Naval Officer for Entering and Clearing a Ship or Vessel under One Hundred Tons, Ten Shillings; for Entering and Clearing a Ship above One Hundred Tons, Twenty Shillings; for a Permit, Two Shillings and Six-pence; for an Impost Bond, Five Shillings; for a Certificate of Goods imported, Five Shillings; for a Navigation Bond, Five Shillings; for every Oath made of Goods, One Shilling; for Recording and Transmitting a Ship's Register, Five Shillings; for Filing and Proving a Certificate, and Discharging a Navigation Bond, Five Shillings; for Certificate to discharge Navigation Bond, Five Shillings, and no more: And the said Collectors and Naval Officers, are hereby obliged to take but One Half of the Fees above expressed, for all Ships or Vessels of what Burthen soever, that are either built or purchased by the Inhabitants of this Province, Provided the Owners of the said Ships or Vessels do all actually reside in the same.

IV. And be it further Enacted, That all and every the Collectors and Naval Officers of this Province, shall receive such Fees as aforesaid, and no more, and shall make a fair Table of their Fees, and put up in their several Offices, under the Penalty of Fifty Pounds Sterling, the One Half thereof to the Lord Proprietary, for the Support of his Lordship's Government, and the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint

or Information, wherein no Essoin, Protection, or Wager of Law to be allowed. Bacon

Examined and Compared with the Original Act,
Reverdy Ghiselin
Thomas Bacon

An Act for Punishment of such as shall Counterfeit the Lord Proprietary's Greater or Lesser Seal at Arms within this Province. Chap. VIII

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, any Person or Persons whatsoever, that shall presume to Counterfeit the Great Seal of this Province, for the Time being, or the Sign Manual or Seal at Arms of the Lord Proprietary of this Province make Use of any such Counterfeit Seal or Sign Manual of the said Lord Proprietary, or his Heirs, or any other the Public Seals of this Province, or shall Steal away any of the said true Seals, or without lawful Warrant or Authority, shall falsely or corruptly, or with evil Intent affix any of them to any Deed, Warrant or Writing, and shall afterwards within this Province publish or make any Use of any such Deed, Warrant or Writing, as if such respective Seals had been affixed thereunto by such lawful Warrant and Authority as aforesaid, shall forfeit to the Right Honourable the Lord Proprietary and his Heirs, all his Goods and Chattels, Lands and Tenements whereof such Offender shall be possess'd at the Time of committing the same Offence; the one Half thereof to be applied towards the Support of a Public School within the County where the Offence shall be committed, the other Half to the Informer, or him or them that shall sue for the same, and shall be Whipped with Thirty-nine Lashes on his bare Back, stand in the Pillory two whole Hours, and be Banished the Province for ever.

Reverdy Ghiselin
Thomas Bacon.

An Act for laying an additional Duty of Twenty Shillings Current Money per Poll on all Irish Servants, being Papists, to prevent the Growth of Popery by the Importation of too great Number of them into this Province; and also the additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for raising a Fund for the Use of Public Schools within the several Counties of this Province. Chap. X

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lord-

Bacon ship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of Twelve Months after the End of this General Assembly, all Masters of Ships and Vessels, or Others, importing Irish Servants, being Papists, into this Province, by Land or by Water, at the Time of their Entry, shall pay unto the Naval Officer for the Time being, belonging to such Port or Place where they make their Entry, the additional Sum of Twenty Shillings Current Money, over and above the Twenty Shillings Sterling per Poll imposed by a former Act of Assembly of this Province, for every Irish Servant so imported, on Penalty and Forfeiture of Five Pounds Current Money for every Servant that shall be by him or them concealed at the Time of his or their Entry as aforesaid, the one Half thereof to be appropriated for defraying the Public Charge of this Province, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in his Lordship's Name, in any Court of Record within this Province, that shall have Jurisdiction of the same, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

II. And for the better Discovery of such Irish Papists; Be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Naval Officers for the Time being, belonging to the several and respective Districts within this Province, be, and are hereby authorized, impowered and required to administer to every such Irish Servant, except Children under the Age of Fourteen Years, (to be adjudged at the Discretion of the Naval Officer) so imported as aforesaid, the several Oaths appointed by Act of Assembly, and cause them to subscribe the Oath of Abjuration and the Test; and all and every such Servants that shall refuse to take the Oaths, and sign the Oath and Test as aforesaid, (except before excepted) shall be and are hereby deemed and declared Papists, for whom the Owner or Importer shall be obliged to pay the additional Duty, as aforesaid.

III. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the Time aforesaid, for every Negro imported into this Province, either by Land or Water, the Importer or Importers of such Negroes shall pay unto the Naval Officer aforesaid, the Sum of Twenty Shillings Current Money per Poll, over and above the Twenty Shillings Sterling per Poll, imposed by a former Act of Assembly of this Province, on Penalty and Forfeiture of Five Pounds Current Money per Poll, for every Negro kept back or unaccounted for; to be recovered as aforesaid, and applied to the Uses aforesaid.

IV. Which said Duties of Twenty Shillings Current Money per Poll, shall, for the Advancement of Learning, be applied towards the Encouragement of one Public School in every County within this Province, (That is to say,) one equal Share thereof towards the Support of each School, according to the Directions of such Act or Acts of Assembly, as shall hereafter direct therein. Bacon

Reverdy Ghiselin
Thomas Bacon

A Supplementary Act to the Act relating to Servants and Slaves. Chap. XIII

Whereas it may be of very dangerous Consequence to admit and allow as Evidences in Law, in any of the Courts of Record, or before any Magistrate within this Province, any Negro, or Mulatto Slave, or Free Negro, or Mulatto born of a White Woman, during their Servitude appointed by Law, or any Indian Slave, or Free Indian Natives of this or the neighbouring Provinces;

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, no Negro, or Mulatto Slave, Free Negro, or Mulatto born of a White Woman, during his Time of Servitude by Law, or any Indian Slave, or Free Indian Natives of this or the neighbouring Provinces, be admitted and received as good and valid Evidence in Law, in any Matter or Thing whatsoever, depending before any Court of Record, or before any Magistrate within this Province, wherein any Christian White Person is concerned.

III. Yet nevertheless, where other sufficient Evidence is wanting against any Negro, or Mulatto Slaves, Free Negro, or Mulatto born of a White Woman, during their Servitude by Law, or against any Indian Native of this or the neighbouring Provinces, in such a Case the Testimony of any Negro, or Mulatto Slave, Free Negro, Mulatto born of a White Woman, or Indian Native of this or the neighbouring Provinces, may be heard and received as Evidence, according to the Discretion of the several Courts of Record, or Magistrate, before whom such a Matter or Thing against such Negro, Mulatto Slave, &c. shall depend; Provided such Evidence or Testimony do not extend to the depriving them, or any of them, of Life or Member.

Bacon IV. And whereas it so often happens that Negro Slaves, &c. commit many heinous and capital Crimes, which are endeavoured to be smothered and concealed, or else such Negroes, &c. are conveyed to some other Province, and sold by their Owners, who for the Sake of the Interest they have in their Lives and Services, suffer them to escape Justice; Be it therefore Enacted, by and with the Authority, Advice and Consent aforesaid, That if any Negro or Mulatto Slave, or Mulatto born of a White Woman, during the Time of his Service by Law, or Indian Slave, shall hereafter be convicted of any capital Crime, for which they shall suffer Death, the Court before whom they shall be convicted, shall immediately, upon such Conviction, Value such Negro, or Mulatto Slave, or Mulatto born of a White Woman, before the Expiration of their Service appointed by Law, in Tobacco, and Three Fourths of their Value to be allowed in the Public Levy, to be paid to the Owner or Owners of such Negro, or Mulatto Slave, or Mulatto born of a White Woman.

V. And whereas in the Law relating to Servants and Slaves, there is no Punishment or Penalties laid upon Negroes or Mulattoes intermarrying with any White Person; Be it therefore Enacted, by and with the Authority, Advice and Consent aforesaid, That if any Free Negro, or Mulatto, intermarry with any White Woman, or if any White Man shall intermarry with any Negro, or Mulatto Woman, such Negro or Mulatto shall become a Slave during Life, excepting Mulattoes born of White Women, who for such Intermarriage shall only become Servants for Seven Years, to be disposed of as the Justices of the County Court where such Marriage so happens, shall think fit, to be applied by them towards the Support of a Public School within the said County. And any White Man or White Woman, who shall intermarry as aforesaid, with any Negro, or Mulatto, such White Man or White Woman, shall become Servants during the Term of Seven Years, and shall be disposed of by the Justices as aforesaid, and be applied to the Uses aforesaid

VI. And further, Whereas many Negro, Indians, and Mulatto Slaves, are often found guilty of Pilfering and Stealing, and other Misdemeanors, for which they either escape without Punishment, or else the Owners of such Indian, Negroes, or Mulattoes, are put to considerable Charge by bringing them to Trial, and receiving their Punishment for such Crime before the County Courts; Be it Enacted, by and wlth the Authority, Advice and Consent aforesaid, That whensoever any Negro, Indian, or Mulatto Slave, shall hereafter be charged with any Pilfering or Stealing, or any other Crime

or Misdemeanors, whereof the County Court might have Cog- Bacon
nizance, it shall and may be lawful for any one of the Justices of the Provincial or County Courts, upon Complaint made before him, to cause such Negro, Indian, or Mulatto Slave, so offending, to be brought immediately before him, or any other Justice of Peace for the County where such Offence is committed, who upon due Proof made against any such Negro, or Mulatto Slave, of any of the Crimes as aforesaid, such Justice is hereby authorized and impowered to award and cause to be inflicted, according to the Nature of the Crime, such Punishment by Whipping, as he shall think fit, not exceeding Forty Lashes.

Reverdy Ghiselin
Thomas Bacon.

An Act for quieting Differences that may arise between the Chap. XIV
Inhabitants of this Province, and the several Nations of Indians, of what Places soever.

Whereas many Differences have and may hereafter arise and grow between the English and Indians, which for want of a speedy Way of determining the same, many great Charges and Illconveniencies have and may happen thereupon, by the said Controversies being brought from the remotest Parts of this Province, to be heard and determined before the Governor and Council, to the very great Trouble of the Persons concerned, and the Public Charge: Which to prevent, and to give a Speedy Redress in all such Matters;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, any Justice of the Provincial or County Courts within this Province, be, and are hereby authorized and impowered, to hear and determine all Manner of Controversies and Differences whatsoever, that shall or may hereafter happen or grow between the English and Indians, in private and personal Controversies, not exceeding the Value of Twenty Shillings Sterling.

III. And be it further Enacted, by the Authority aforesaid, That any of the Justices aforesaid, be, and are hereby authorized and impowered, upon hearing and determining any such Difference or Controversy as aforesaid, and Judgment thereupon given, either Party refusing to perform the same, then and in every such Case, the Justice so impowered as aforesaid, shall by Way of Distress take into his Custody any of the Goods and Chattels of the Offender, and out of the same

Bacon make full Satisfaction to the Party wronged, at the Discretion of the said Justice, and the Overplus to return to the Owner thereof.

Reverdy Ghiselin
Thomas Bacon.

Chap. XV An Act for the Publication of Marriages, and to prevent unlawful Marriages.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Persons who desire Marriage, shall apply themselves to a Minister for the contracting thereof, and shall cause due Publication to be made, according to the Rubrick of the Church of England, of their Intent to marry, at some Church or Chāpel of Ease belonging to the Parish wherein the Woman, so intended to be married, shall be resident: And in case there be no Minister, Curate or Reader in such Parish, an Advertisement or public Notification of such intended Marriage, shall be set up at the Court-House Door of the County where such Marriage shall be intended, there to remain for the Space of Three Weeks at the least, of which Advertisement put up as aforesaid, the Clerk of the County Court, where such Advertisement shall be so put up, shall make a Certificate under his Hand, and the Seal of the County; and that it shall and may be lawful after such Publication, and Certificate thereof had, for any Minister, duly qualified, to join together in Matrimony, any such Persons so Published, according to the Liturgy of the Church of England; saving to the Minister of the respective Parishes, where such Publication shall be made, their just Dues for such Marriages.

II. And if any Person shall presume to contract Marriage, without such Publication, and Certificate thereof had as aforesaid, or without particular Licence from the Governor, for the Time being, do privately contract Marriage, every Man so contracted or married, shall be liable to a Fine of Five Thousand Pounds of Tobacco; and every such Minister joining in Marriage any Persons without Publication or Licence, or any ways infringing this Act, shall be liable to a Fine of Five Thousand Pounds of Tobacco; one Half of the said Fines to the Lord Proprietary, his Heirs and Successors, for the Support of Government of this Province, the other Half to the Informer; to be recovered in any Court of Record, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

III. And for the more effectually avoiding secret and clandestine Marriages; Be it Enacted, by the Authority, Advice and Consent aforesaid, That any Person or Persons resident in this Province, who shall get their Marriage solemnized in any the neighbouring Colonies, during such their Residence in this Province, unless where the Woman so married shall be Resident of that Place where such Marriage shall be solemnized, the Man so married shall be liable to the Fine of Five Thousand Pounds of Tobacco; to be recovered as aforesaid, to the use aforesaid. Bacon

IV. And for ascertaining to the Minister a Fee for Marriages, in other Cases than the Act for Establishment of Religious Worship provides for; Be it Enacted, That in case any Persons married by Licence, and that shall be married in the Parish Church or Chapel of Ease, or come to such Minister's House to be Married, there shall be paid as a Fee, by the Persons to be Married, for such Marriage, the Sum of Ten Shillings and no more; And in case of Publication of Banns, the Persons so to be Married shall come to the Minister's Dwelling-House to be Married, there shall be paid to the Minister as a Fee for such Marriage, One Hundred Pounds of Tobacco, or Six Shillings and Eight-pence Current Money, ready Pay, and no more. And it is hereby Declared, That whenever any Fee is allowed for Marrying Persons whose Banns are Publish'd, such Fee shall be taken as a full Fee for the Publication of the Banns, as well as for the Solemnization of such Marriage.

V. Provided, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to any Persons of Persuasions in Religion different from that of the Church of England; but that all such Persons, and the Manner of their Proceedings in Marriage, may intirely remain unaltered by this Act, and in the same Circumstance, as if this Act had never been made; anything therein before to the contrary notwithstanding.

Reverdy Ghiselin
Thomas Bacon.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, April 22–May 10, 1718.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

U. H. J. Original p. 1

Att a Session of Assembly begun & held at the City of Annapolis on Wednesday the 23^{d} day of Aprill in the fourth year of the Reign of our Sov^{n} Lord King George &c. And in the third of his Lordship's Dominion &c Annoq D^{ni} 1718 (Memd^{m} There not being a sufficient number of the members to make a house on the 22^{d} Day they did not meet till the day after.)

Present

His Excellency John Hart Esq^{r} Gov^{r} in Chief &^{c}

The Honble { W^{m} Holland Esq^{r}, Samuel Young Esq^{r}, Thos. Addison Esq^{r}, Ric^{d} Tilghman Esq^{r}, Thos. Smyth Esq^{r} } Members of his Lordship's Upper House of Assembly.

Col John Mackall, Col James Maxwell & Capt. Daniel Mariartee from the Lower house Acquaint his Excellency, That M^{r} Speaker with a Sufficient Number of the members of that House are met, And wait his Excellencys Comands

Col William Holland & Col Thomas Addison sent to the Lower House to acquaint M^{r} Speaker his Excellency Requires him with the Gent of that House to attend him Imediately at this Board. Who Return and say they Delivered it.

Thereupon M^{r} Speaker with the Gentlemen of that House p. 2 attend his Excellency at this Board Where he is Pleased to bespeak them as foll

Gentlemen of the Upper and Lower Houses of Assembly

I am to acquaint you, that the right Honble my L^{ds} Guilford and Baltemore, have Expressed great Satisfaction, on your Proceedings in last Gen^{ll} Assembly, as will fully app^{r} by their L^{dps} obliging Answers, to the Seperate Addresses of both houses, and by their not Dissenting to any one Act passed in that Session.

I have sev^{l} other matters to Communicate to you by their L^{dps} Commands Which I am of Opinion will be better Explained in the way of Message

Gentlemen

From the happy Conclusion of the last Session I pleased myself with the hopes, that the remaining part of that time I

U. H. J. was permitted to be here in this Station would have afforded me much Satisfaction and Tranquillity, And that I might have
p. 3 been wholy at Leisure, To have Imployed my thoughts and Actions for the good and welfare of this Province as I had faithfully Done. But such is the restless and Turbulent Spirit, of some Papists and their Adherents that they Still Continue to Persecute and Defame me as they have Obstinately done from that period of time, I opposed (as I was in Duty bound) their pretensions to an Equall Share of the Administration of this Governm[t] with the Protestants and required those to Qualifie themselves as the Law Directs (which they refused to doe) before I would permitt them to Execute those Offices they by Deceiveing and Imposeing on their L[dps] had Illegally Obtained, which upon better Information their L[dps] in their wisdom and Justice have since thought fitt to Deprive them of.

I am Authentically Informed that M[r] Carroll and M[r] Macnamara have made fresh Complaints to their L[dps] against me. And as these two persons are both named Togeather, I shall Speak of their behaviour in this publick Manner as being the most Candid and open method to set their Misconduct in a true light to their L[dps] And to take of those artful & false Insinuations with which they Endeavour to amuse
p. 4 and poyson the minds of the Good People, as if there was neither Law nor Justice to be had under my Administration.

M[r] Carroll who is a Profest Papist, and the first Fomenter of our late Disturbances, having Acquired a vast Estate in this Province, by the Offices he formerly Employed, and his Practice in the Law, not Contented to Enjoy, this Affluence of Fortune with more Indulgence here, than he cou'd Expect in any other Part of his Majestys Dominions, must needs add the Ambition of Rule to his fformer Felicity.

Pursuant to this Design, some time before he made his last Voyage to Great Britain he shewed me a Representation, which was to be presented to their Lordships on behalf of the Roman Catholicks of this Province Importing that they Prayed to be Restored to what they alledged was their Right of being Qualifyed for Offices in the Government, as they formerly had been.

Upon the View of this Rrepresent[a] I plainly told M[r] Carroll that It was against the Laws of Great Britain & the Acts of Assembly of this Province, & that I would Oppose it to the Utmost of my Power.

M[r] Carroll Observing with what Surprise & Indignation I received his motion, He told me it should not be Offered to their Lordships, and Desired me to be silent on that Repre-

sentation, Which I promised to be, Provided he Droped all thoughts of Offering it, But being afterwards Credibly Informed that M^r^ Carroll had Offered that Representation (tho It had not its Desired Effect) to their Ldships, I have since told M^r^ Carroll of his unfaithful Dealing on this Account, before severall members of the Uper House. He Acknowledged he had given the Representation, But it did not Import, that the Roman Catholicks might be Qualified for Imploym^ts^, but that they might not be Unqualifyed for them. So poor & Jesuiticall an Evasion wants no Remark U. H. J. p. 5

I then Demanded of M^r^ Carroll by what Claim of Right, did he Offer that Representation, for that in my Judgment by the Laws, the Roman Catholicks had no Pretentions to hold Ministeriall Offices, without Qualifying themselves for them.

He answered that they Claimed from an Instrument, Granted by the Lord Cecilius, but that he believed it was burnt in the State house, And that they (the Roman Catholicks) wou'd Insist upon that Rights and then Added (with great Vehemence) that if my Lord Guilford wou'd not admitt of their Right they would Apply to higher Powers.

Gentlemen It is Obvious to all (who are not wilfully blind) what Steps the Roman Catholicks were takeing to Introduce themselves Again into the Administration of this Governm^t^ But being by their L^d^ship's Prudence, Discountenanced in their Practices, And also Opposed by me in their Pretended Right, of not being Unqualifyed as It is Termed, And likewise Impeded of Imploying those Offices, they had so surprizingly Obtained and which Indeed, they were Unqualifyed for,

It was a natural Conclusion after such a Defeat, that they wou'd have Satt Down, and have been Contented and Easy, under the Protection of the Government, as they were ꝑmitted to be, but on the Contrary the Roman Catholicks Indefatigable in their Designes Turned all their Rage and Fury of Disappointment, to Calumniate my Conduct, and by heaping of Indignities upon me, used their Utmost Efforts, thereby to Remove me from this Station. p. 6

To gain this Point, I am Informed that a very large sume of mony, was Subscribed for, by the Leading men of the Romish Comunity and some of them went as Emissaries to London And were very Active there against me, and Exclaimed in bitter Terms of my prosecuteing the Papists in this Province and how Cruel a manner they were Treated in, And even Debarred the Liberty of a ffree Com̃erce

When I Demonstrated to their Lordships how groundless & Unjustly these Clamours were, Their Lordships Answer was

U. H. J. so Just & so much for their Honour, as well as a Vindication for my Character, That I take it as a Duty, to give you their L^dps Sentiments in their own Words as I have them by a Letter dated the 16^th of November past & are as follows.

It is very true Representations have been made, to us of your Persecution & Severity to the Roman Catholicks, but as
p. 7 those Representations appear to be Grounded only on Fears & Jealousies not Facts so we must Approve of your Integrity to us, in keeping them in due bounds by the Gentle methods you have taken.

Gentlemen. As there has been no Opportunitys lost by which the Roman Catholicks imagined, they might deter me in the Duty of my Office, so they had upon Cases most unfairly stated, Obtained the Opinion of three Eminent Lawyers, on the Act of Assembly of this Province, for Suspending the Prosecution of Popish Priests &c.

These opinions shall be laid before you, for your Consideration upon them

Upon my Representation of this Case to their Lordships in the Clearest view I was Capable of I have the Honour of their Lordships Answer upon the occasion as follows.

" If the Learned Councills Opinions were given on Cases
" not fairly Stated, the Roman Catholicks must thank them-
" selves, for we are so far from Imagining, that any Counte-
" nance shou'd be given them, in that Pernicious Practice of
" Perverting People to the Romish Superstition, that we very
" well Approve of the Laws made to prevent it, Never meaning
" any more but that they might live Peaceably & Quietly under
" our Government, whilst they behave themselves as became
" them

Gent. Thus I have Related to you in as short a manner as time & Occasion will permitt the True Grounds and Reason
p. 8 for which the Romanists & their Adherents, have given me so great Inquietude, and which have Provoked them, to use so many Subtile Practices for my Removall. But you will find the Cause of their unjust Resentments against me more at large in the Journalls of the Uper & Lower Houses in July 1716.

I must Confess this ffaction have done me more Honour than I Presume they Intended me as if I alone were of Consequence to the Protestant Interest here, That coud they by any means remove me from this Station, they might have at least the Chance, to find my Successor more Pliable to their Intreagues, And sacrifice me to their Revenge, not Considering that the Circumstances of this Country is happily Changed for

these thirty Years past Who have so long tasted of the Lenity U. H. J.
& Liberty of a Protestant Government, that if I may Judge from the many good Laws that have been made in this Province, And the Profession of so great a Majority of this People, they are firmly Resolved never more to give way to a Popish Administration

Gent. What I Require of you upon this Occasion is, that you will Enquire into the Circumstances that are now related to you, and in the name of God, As you are his Lordship's Great Councill of this Province, make an Impartiall Representation of the truth thereof in what manner you shall find Proper.

As what Relates to M^r^ Macnemara & his Complaints, you know the man & his Conversation, you are not Ignorant what Disturbances he has given this Government for almost as many years as he has been in it

I shall lay before you the Cause of my Suspending him from p. 9
his Practice in the Chancery Court. And since He has Complained of my being both Judge & Party I Desire your Opinions, whether such Insolency's as he has Offered, be Exempt from Punishment by your Laws.

Gent. I Cannot Conclude without giving you two Remarkable Instances of the Notorious falsities that have been Reported of me.

The first is,

That the Roman Catholicks were denyed a Freedom in Comerce.

The second, That I had beaten M^r^ Macnemara most unmercifully.

Against such wicked men that will advance to Gross Calumnies to Serve a Turn, What Innocence Can protect Who that wou'd make a Conscience of his Duty, Can be safe in the Execution of it.

Yet as I hope such Practices will not Deterr the magistrates from their Duty to his Majesty and his Lordship; so I take this Occasion to Declare, that I am firmly Resolved to support them in it so far as in me lyes, Nor shall any Reflections on the Past Effects of the malice of the Roman Catholicks and their Adherents towards me, nor any Apprehension of their future Rage, Slacken my Endeavours, towards the Establishing the Protestant Interest in this Province, under the auspicious Protection of our Sovereign Lord Kinge George And his Lordship's Government.

John Hart

U. H. J. Then the Gentlemen of the Lower house depart.

p. 10 His Excellency lays before this House Their Lordships Answer to their Address in May Assembly 1717 as foll.

Baltimore } Gent of the Uper House
Guilford } of Assembly

The satisfaction you Express in Your Addresse, with our Government, is very gratefull to us, And your Declarations of making it your Constant Endeavours to Cultivate Peace & Unity among the Inhabitants of Maryland, is the Greatest Obligations we Can Receive.

Mr Robert Tyler and Mr James Lloyd from the Lower house with the foll° Message

By the Lower House of Assembly
Aprill the 23d 1718

May it please yor Excy & Honours

This House in Order to Dispatch Business as much as in them lies, has made a Resolution, to Sit from Eight till Eleven of the Clock in the Forenoon, And from One till five in the Afternoon, During this Session and desire to know whether the Time Resolved on be Agreeable to your Excellency & Hons

Signed p order Mic Jenifer Cl. Lo. Ho.

p. 11 Resolved that the following Message be Sent in Answer thereto

By the Upper House of Assembly
April 23d 1718

Gent. We have Considered your message by Mr Tyler & Mr Lloyd, and think the times therein pposed very Agreeable for the Dispatch of Business, wth which we Concurr

Signed p order John Beard Cl Up Ho.

Sent by Col Young, Who return & says he Dd it.

The House Adjourns till To morrow Morning

Thursday April 24. 1718

The House met according to Adjournmt

Present as yesterday with the addition of Henry Lowe Esqr

The House Adjourns till afternoon.

Post Meridiem U. H. J.
The House met according to Adjournment p. 12
Present as Before noon

The House Adjourns till To morrow morning

Fryday Aprill 25th 1718
This House meet According to Adjournment
Present.
His Excy the Governour

Col Wm Holland	Col Richd Tilghman
Col Thos Ennalls	Col Thos. Smyth
Col Sam: Young	&
Col Thos Addison	Henry Low Esqr

By his Excellency & the Upr Ho of Assembly
Aprill the 25th 1718.

Ordered that the Revnd Mr Henry Nicols have the Thanks of this House, for his most Excellent Sermon Preached this day, before the Revnd Clergy And the Honble the Gentl of the Uper & Lower Houses of Assembly; And he is desired to let this Honble House have the pusall of it.

Signed p Order John Beard Cl

A Copy of the aforegoing Order being made Tis Resolved that the Honble Col. Thos Ennalls Col. Thos Addison Col p. 13
Richd Tilghman & Henry Lowe Esqr Deliver it him.

The House Adjourns till Afternoon

Post Meridiem
This House meet According to Adjournment
Present as in the Forenoon
With the addition of Phil Lloyd Esqr

His Excy Lays before this house the Opinions of the Three Lawyers on the Act of Assembly, Suspending the Prosecution of Popish Priests &c. And Also attested Copys of three Indictments, found by the Grand Inquest of this Province, Against Thomas Macnemara Esqr viz.

One for Saying he wished he cou'd see the man that Dare Grant such a Supersedeas; meaning a Supersedeas Granted

U. H. J. by his Excellency on a Replevin Illegally Obtained by the said Macnemara to Replevy a Sloop and her Loading that lay under the Seizure of W^m^ Stoughton Esq^r^ his Maj^tys^ Collector of the District of Pocomoke. One other for Calling his Lordships honble Councill of this Province, the Spanish Inquisition, And Saying that the said Councill had acted like the s^d^ Spanish Inquisition

And one other for Deceitfully Injuriously & unlawfully, takeing Exacting & Receiving for a Certain J^no^ Brannock
p. 14 Eleven hundred & Twelve pounds of Tobacco Pretending the same arose due to him for Attornys Fees.

His Excellency Also lays before this House the Eleventh Article of his Maj^tys^ Instructions to him dated

St James's the first day of July 1715

Viz. He shall be aiding & assisting to the Collector & other Officers appointed or that shall be hereafter appointed by the Com^rs^ of the Customes in this Kingdom, by and under the Authority & Direction of our Comissioners of our Treasury, or our high Treasurer for the time being, In puting in Execution the Severall Acts of Parliament before mentioned; And he shall Cause due Prosecution of all such ꝑsons as shall any ways hinder or Resist any of the said Officers of our Customes in the ꝑformance of their Duty.

Whereupon his Excellency is pleased to say by way of message as foll.

Gent. By this Instruction you will Observe that what I did in Relation to my Assisting his Maj^tys^ Collector was not only in the due Discharge of my Office, but also by an Express Comand from his Majesty; And which M^r^ Macnemara in a most Insolent manner endeavoured to obstruct, and used those threatning Speeches mentioned in the annext Paper to this, of which Proceeding of M^r^ Macnemara, I shall say no more at this time having Desired your Opinion upon it

Signed ꝑ order John Beard Cl Up. Ho.

p. 15 Which having been Considered by this House his Excellency Sends them to the Lower house for their Consideration with the following Messages viz.

By his Excellency the Governour

Aprill the 25^th^ 1718.

Gent. I have herewith sent you the opinion of three Lawyers in Great Brittain Relating to the Act for Suspending

the Prosecution of Popish Priests, which I Promised in my Speech to be laid before you, for your Consideration U. H. J.

Signed p order
Jn° Beard Cl Up. Ho.

Sent to the Lower House by Col Tilghman who Returns & Says He D^d it

His Excy Also Sends to the Lower house Copys of Srall Entries on the Chancery Records Relating to the said Macnemara with this Message.

By his Excellency the Governour

Aprill the 25^th 1718

Gent. I herewith Send you Copys of Severall Passages that happened in the Chancery Court Relating to M^r Macnemara with Copys of three Indictments found ag^t the said Macnemara which I promised to lay before you for your Consideration.

Signed p ord^r John Beard Cl Up Ho.

Sent down p Col° Ennalls who Returns & Says he D^d them

The Copys of the Chancery Proceedings are as foll.

Maryland ss.

Att a Chancery Court held at the City of Annapolis the Tenth day of October 1717. p. 16

Present

His Excellency John Hart Esq^r Governour

His Excellency tells M^r Macnemara that he affirmed this day in his face His Excellency Called him a Rogue & a Rascall in this Court, which his Excellency affirms he did not nevertheless the said M^r Macnemara now alledges the same, with this alteration only, that to the best of his remembrance his Excy did Call him Rogue and a Rascal which being taken in Contempt and to the lessening his L^dships Authority and the Grandeur of this Court by Taxing the Governour with a Falsity

His Excellency Orders the Attorney Generall to psecute the said Macnemara for the same, And that a minute hereof be made on this days Proceedings.

M^r Macnemara one of the Practitioners of this Court having frequently behaved himself in this Court with threatning words and an Indecent and Irreverent Behaviour of which he was Several times Admonished by his Excellency, And still

U. H. J. Continuing his Obstinate and Contemptuous manner of Treating this Court,

It is ordered by his Excellency the Governour & Keeper of the Greater Seale of this Province, That he the said Macnemara be Suspended from his practice in this Court untill he shall make his due Submission.

p. 17 But inasmuch as Maurice Birchfield Esq[r] his Maj[tys] Surveyor Generall of the Customes has upon the Score of the said M[r] Macnemara's being Imployed in Severall Causes in this Court on behalf of the Crown Requested that the af[d] Macnemara might be permitted to finish the Business which He has Imployed him in, It is ordered by his said Excellency the Governour and Keeper of the great Seale of this Province in respect of that Service, That M[r] Macnemara be permitted so to do.

On M[r] Macnemara's motion for an Appeal from his Excellency's order for the said Macnemara's Suspension from his Practice in this Court, to the King and Council in England,

It is by his Excellency granted so farr as it will avail him; His Excellency alledging that the proper appeal from his Order herein, should be before the Lord Proprietary.

A Copy of a Petition Preferred by M[r] Macnemara to his Excellency the Governour Viz.

To his Excellency John Hart Esq[r] Governour & Keeper of the great Seal of Maryland.

The Humble Petition of Tho[s] Macnemara Sheweth. That your Petitioners Appeal from your Excellencys Order in Chancery to Suspend him from his practicing in that Court is Entered to his most Sacred Majesty King George in Councill

But forasmuch as his Majesty has been graciously pleased to Restore his Lordship the Lord Proprietary to the Government of this Province, your Petitioner humbly Conceives it Proper to Appeal to his Lordship.

Your Petitioner therefore beseeches your Excellency that the said Appeal may be granted & Entered accordingly,

And also humbly prays that the Particular Facts or In-
p. 18 stances of his misBehaviour occasioning his Suspension may be Expressed in your Excellencys Order or in such other manner that he may have an Opportunity of makeing his Defence, which he presumes he is Intituled to in Law and Justice, or of making due Submission, Which he protests he is Ready to do when he knows wherein he has Offended, or shall be legally Convicted thereof.

And your Petitioner will pray
Tho[s] Macnemara

His Excellencys Answer to the aforegoing Petition Viz. U. H. J.

Annapolis 12 October 1717

On reading your Petition of this day concerning my Suspending you from your practiceing in the Chancery Court save what relates to the business of the Crown The first part of it is granted Viz.

An Appeal to the Right Honble the Lord Proprietary of this Province though you first prayed it to his majesty in Councill Contrary to my Sentiments, and now seem to arrogate to yourSelf my opinion

And as to your prayer that particular Facts & Instances may be Expressed of your misbehaviour I have Already given you so often Verbal notices of your manifest Contempt and undecent Behaviour in the Chancery Court that nothing can be a Stronger mark of your Obstinacy than to plead Ignorance of them.

However for the sake of Giving you an Opportunity to be Sorry for the affronts you have Offered to the Authority of that Court And to Induce you to make that Submission which is Expected from you, And without which I cannot Recede from the Order for your Suspension without prostrating the Honour of the Court, I shall give you some Instances of your Late misbehaviour.

This Chancery Court when you officiously & without any Call interrupted me that you might disswade M^{r} Carroll from answering the Interrogatories then proposed to him on behalf p. 19
of the Hon̄ble the Commissioners for the forfeited Estates I caused you to be Silent for that time And the next day upon your giveing Ill Language to another Practitioner in the face of the Court I told you that I would maintain the Honour of the Court and that no Persons shoud presume to make Reflections there and you Continuing to Justify yourSelf, I then spoke of your manner of opposeing my Interrogateing M^{r} Carroll the Preceding day And of several former passages in this Court But shall not undertake to Express the Indecent & Contumacious Tones and Gestures you think fitt to use when you have a mind to shew your disrespect. The Judges or Persons Present can only be Convinced of these by seeing and observing them, for which you must needs know you ought to Express a Sorrow. Your Repeated Provocations then urged me to Speak to you in proper terms for your Intolerable Insolence and Contempt on that as well as former Occasions and again to Assert the Authority of the Court. The only Answers you gave to what ever I affirmed was in the most

U. H. J. Defying Manner, you denyed it, Which was in direct Terms to Charge me with affirming Falsities, And had further the Confidence to affirm falsely to my Face that I had Called you a Rogue and a Rascall the day before when you Came to Plead for the Crown. For which barefaced untruth your officiously Interposing In my Examination of M^r^ Carroll, Your Demeaning yourself after a contumacious manner to the Court tho' often Reprimanded for it, The many Complaints I have had of your Misbehaviour to the Inferiour Courts and for many other Causes which I shall offer when I am Required to it by a proper Authority I have suspended you from your practice in the Chancery Court of this Province (the Cases of the Crown only Excepted at the Instance of Maurice Birchfield Esq^r^ his Majesties Surveyour Generall of the Customes here) untill you make a due submission to that Court

p. 20 Att a Chancery Court held at the City of Annapolis on the Twenty fourth day of Febr^y^ Anno Dom 1717

Present

His Excellency John Hart Esq^r^ Governour

His Excellency affirms that M^r^ Thomas Macnemara in the face of this Court gave him the lye in Inderect Terms by denying that he had Ever begged his Pardon before M^r^ Birchfield & M^r^ Bladen Which the Governour affirmes he did in these words. "I am sorry that ever I sayd anything which might offend the Governour," but that he wou'd not begg the Councill's Pardon

M^r^ Tho^s^ Macnemara Requireing that a Letter to him from the Lord Guilford may be recorded in the records of this Court, His Excy Tells him it would be better for him to let it alone than to have it Recorded. But the said Macnemara Insisting upon it as the Right of a Subject; Tis Granted and Recorded accordingly as follows Viz.

S^r^ Novem^r^ 16. 1717

I have Received yours of June 22^d^ & July 12 and upon Consultation with my Lord Baltemore on the Subject matter of them, Wee have again Writt to the Governour to order matters so that you may not by any means be Interrupted in your practice. But I do not think fitt to meddle at all with the Proposall between you and M^r^ Bladen

Your humble Serv^t^
Guilford

Read at this board the Petition of Philip Eilbeck of Kent County Setting forth that he has Been a Prisoner for Debt in Kent County almost Two years and haveing nothing whereby he Can discharge His body from Prison nor any likelyhood of Being Discharged U. H. J. p. 21

Prays that an Act may Pass in his favour.

Which is Refered to the Consideration of the Lower House, And according so Endorsed & Sent Down by Philip Lloyd Esq^{r} who returns and Says he dld it.

The House Adjourns till to morrow morning

Saturday April 26. 1718

The House meets According to Adjournment &

Present as yesterday.

This House having Prepared an Address to his Excellency Presents it to him Viz.

By the Upper House of Assembly

May it please your Excellency.

S^{r} Their Lordships approbation of our Proceedings in Assembly as well as those other Consular matters Recommended to their Consideration fills us with the Justest Ideas of the good Effects of Your Excellencys Administration here Your Prudent Conduct on the late Conjunction of Affairs whereby the Dark Intrigues and Secret machinations of a Popish ffaction are in a Great measure Defeated And the Good People of this Province freed from the mortifying apprehensions of a Lord Proprietor Engaged in the Interest of Papists and their Adherents (a notion hath been too Busily handed among the People) doth loudly call for the most Grateful Acknowledgments for it is to Your Excellency's Just Representation That we Owe their Lordships Prudent wise and Agreeable Determination in those matters which have of late Given this Country so much Trouble & Uneasiness so Agreeable Indeed that we may now Venture to say that we are Secure ag^{t} farther Attempts of a Restless and Ambitious Party Who not Content with the Indulgence our Governm^{t} allow them are now Pushing on their Hazzard of their Present Quiet Rather than Stiffle their Aspiring Designs of shareing in Publick Administration of Affaires. p. 22

Indeed S^{r} It is with a Great deal of Joy that we see their Lordships my Lord Baltemore & Guilford Engage so Heartily in that Cause, And that they are so farr from giveing any

U. H. J. Encouragem[t] to the Disturbers of yours & this Province's Tranquility that we find their Lordships condemning the Practice Discouraging the party And (which we are Extreamely thankfull to your Excellency for Communicating to us) Declareing their Resolution to Discountenance the Papists in their Pernicious Practice of Perverting to the Romish Superstition Altho their Lordships Intirely Acquiesce with your Excellency by comending your Integrity and Applauding Your Conduct in keeping the Papists within Bounds by the
p. 23 Gentle methods You have made use of.

S[r] We have but too much Reason to believe that the Designes of your Enimies either Papists or their Adherents have no Other foundation than in the Opposition made to their Intended Establishment of a Popish Interest within this Province: Disappointment Inflamed the Party their malice Centered in your Excellency as the Chief Agent of it, And they have ever since Harrass'd you with new Schemes and Projects of Removing you from this Government, the Ungenerous Reward of so good an Undertaking so Justifyable before God and man whereby the Purity of our Religion and the Safety of our Persons are Secured to us That we look upon it to be our Duty to declare our Approbation thereof as the only Effectuall means to Continue a Succesfull & lasting Dominion to the Family of Baltemore over this his Lordships Province of Maryland which the Restless Spirits of a Popish Enterprizing Faction might again Expose to the Hazzard of State Emergencies

Wee Congratulate Your Excellency on your Peculiar happyness in Standing so well in the Esteem of their Lordships as we perceive by their Letters Concerning the Affairs of this Province under your Excellencys Administration.

This S[r] Animates us with fresh Courage & Zealous Resolutions of Adhering to the Lord Proprietarys Interest by Entering into such measures upon all Occasions as may be most Consistant with his Honour and the Prosperity of this Province to the Accomplishment of which great End we of his
p. 24 Lordships Councill of this Province are humbly of Opinion that their Lordships will alwavs look upon us as the Best Qualified ꝑsons to lay before them the True State & Circumstances of Affairs here And th[t] no Representation from Other Quarters unless warranted by very good Authority may at any time lessen their Lordships Esteem of [y]our Excy or the Councill here who have made use of their united Endeavours to advance my Lord Proprietarys Interest together with the Publick wealth of this Province.

Signed ꝑ order Jn° Beard Cl Uper House

The House Adjourns till Afternoon

Post Meridiem U. H. J.

The House meets According to Adjournment.

Present

His Excy the Governour

Col. Thomas Addison	Col. Rich[d] Tilghman
Coll Sam[ll] Young	Henry Low Esq[r]
Coll Thomas Ennalls	

A Remonstrance from Dorch[r] County ag[t] M[r] John Brannock being laid before this house is Endorsed as foll[o].

By the Uper house of Assembly, Aprill the 26[th] 1718

Gent. of the Lo: house

Forasmuch as the Gent against whom the within Remonstrance is made is a Sitting member of your House we Recomend the Due Consideration [there]of to you.

Signed p Order John Beard Cl Up Ho.

Sent to the Lo Ho by Henry Lowe Esq[r] who returns and says He delivered it

M[r] Peter Taylor and M[r] Tobias Pollard from the Lower House with the Remonstrance against M[r] Brannock Endorsed as follo

Aprill 26[th] 1718

May It Please your Honours

On reading and Considering the within Remonstrance We p. 25
are of Opinion that there Can be no Reason for Exhibiting the same, for that the Justices of Dorchester County are not yet acquited from facts last Assembly laid to their Charge by the Inhabitants of that County for the same matters Complained of by this Remonstrance as a Libelling of them which was then referred to yo[r] Honours' Consideration.

But we must observe that if the member of our House Complained of hath Libelled the Justices of that County without Reason they may have their Remedy against him. However we hope if the facts alledged against the Justices be found True by your Honours, That the ꝑsons Exhibiting so Scandalous a Remonstrance may be punished according to their Deserts.

Signed p ord[r] Mic. Jenifer Cl. Lo. Ho.

Thereupon the Consideration of the Pet[o] of part of the Inhabitants of Dorchester County against the Justices of that

U. H. J. County is Referred till Monday next, of which the Parties Concerned, have notice.

The House Adjournes till Monday Morning

Monday Aprill the 28. 1718.

The House meet According to Adj°

Present

His Excy the Gov^r

Col Ennalls	Col Tho^s Smyth
Jno Hall Esq^r	Col Tilghman &
Col Addison	Henry Lowe Esq^r

p. 26 His Excellency Observes to this house he has the Honour of a Letter from their Lordships in Answer to his, Relating to his Suspending M^r Macnemara from his Practice in the Chancery Court, which Letter he now lays before this House, being an Instance of their Lordships Justice for that Tender Consideration they have for the Opinion of the Councill, which he lays before this house as follows.

S^r London Feb. 4. 1717

Having received yours of Octo: 22^d we shall here confine ourselves to answer that Part of it only which Relates to your Suspending M^r Macnemara from his Practice in the Chancery Court.

We have taken into our Consideration your order of Suspension and likewise M^r Macnemara's Petition and your Answer to it we have also Considered the Journalls of our Councill in this affair, together with their Letter to us, And upon the whole we Entirely Agree with the Opinion of our Councill that you had good reasons to suspend him as you Did till he had made his due Submission. And we have Determined that the said suspension ought not to be taken of untill such Time as he has made a due Submission to you in such Terms and manner as you by the Advice of our Councill shall think Proper for him to do.

The Inclosed directed to our Councill is An Answer to theirs on this Subject & that to M^r Macnemara is an Answer to his Both which you will deliver in such a manner as you think most Proper

We shall enlarge no further on this Occasion but to Express the great Satisfaction we have to find how well my Lord Pro-

prietaries just Authority is Preserved and Guarded under your Administration U. H. J.

We are S^r^
your most Humble Serv^ts^
Guilford
Baltimore

His Excellency Delivers to this house a Letter Directed to the Councill from their Lordships, which foll in these words, viz. p. 27

Gent London Feb. 4. 1717

The Journalls of your Proceedings relateing to M^r^ Macnemara's Suspension from his Practice in the Chancery Court, And your Letter to us thereon, has been duly Considered; and you will find, by the Resolution we have taken not to restore him to his Practice till he has made his due Submission, how much Weight your Opinion & Advice has with

Gent yo^r^ Assured Friends
& humble Serv^ts^
To the President & Councill of our Province of Maryland } Guilford Baltimore

Resolved & ordered that a Letter of Thanks be wrote to their Lordships for their Great Justice both to the Governour, And to this Board now convened in Assembly.

Col. W^m^ Holland Appearing is added to this House

Ordered that the Letter mentioned by their Lordships to his Excellency, for M^r^ Macnemara be Delivered to him by the Clerk of this House.

Who Accordingly Delivered it & Acquainted this House thereof.

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as in the Forenoon with the Addition of Col Samuel Young.

Col John Mackall and Eleven others bring from the Lower house an Address to his Excy the Governour in Answer to his Speech, which here follows Viz. p. 28

By the Lower House of Assembly

Aprill the 28. 1718

May it please Your Excellency

Wee are Glad to find by your Excellencys Speech that our Endeavours which have hitherto been for the Comon Good

U. H. J. and Welfare of his Lordship and this Province are favoured with his Lordships Approbation.

And we shall faithfully Endeavour to Pursue the same Ends in Considering such further Commands from their Lordships as your Excy shall be Pleased to Communicate to us by way of message.

Wee humbly take Leave to Acquaint your Excy that from your Excys steady and Prudent Conduct of Affairs and the Happy Conclusion of the last Sessions, wee had Great hopes that not only your Excy in Particular but all his Majesty's Good Subjects in Generall throughout this Province might have Enjoy'd such leisure and Tranquillity as you are Pleased to mention, and are heartily Sorry that any thing should Happen to Interrupt it. We are sure that none either good Subjects to our Sov^{n} or Realy well wishers to his Lordship and this Province Could be Instrumentall in the Diverting your Excy from the Prosecution of such good Designs or in the makeing your Excy uneasy in the unbyass'd Methods of your Admr̄con, But that Papists and their Adherents should Attack your Excy^{s} Character And Interest seems not strange, but rather the naturall Product of your Excy Zealous Regard
p. 92 for the Establishment of the Protestant Interest and defending it against the Attempts of those who Value themselves so much upon the Advances they had made (by Deceiving and Imposeing upon their Lordships) Towards Introducing themselves into an Equall Share with the Protestants of the Admrcon of the Government of this Province, which their Lordships on better Information did so readily and Justly Deprive them of to our Great Satisfaction; Such a regard as this is Cause Enough to Excite their utmost Endeavours, against the best of men; Wee doubt not their will, and hope we Cant be blam'd if we Endeavour to Restrain their Power. What other Causes of Complaint the Gent: your Excy mentions Can have Against you wee Cannot Imagine and take this Opportunity of Declaring that we know not that ever your Excy has done them any Injury either by your Person or Government.

The Relation your Excy is Pleased to Give us of the Steps the Roman Catholicks were taking to advance their Power is very Convinceing and lays us under the Greatest Obligations of Gratitude to your Excy for so Generously Opposeing them and setting the whole matter in a Clear light before their Ldshpps without which these their Subtill Jesuiticall falsities might have Possibly past for truth the Consequences whereof we Presume not to Determine. The more Vehement the Romans and their Adherents are in their Endeavours to heap

Indignities upon your Excys Sincerity to the Present Estab- U. H. J.
lishments in Church and State to which the Roman Catholicks
are known to have so Great an Eversion both by Inclination
and Principle that it Can be deem'd No honour for a true p. 30
Protestant to have their Applause nor any Scandall to Suffer
their Reproach And as their Lordships on your Excys Repre-
sentation to them have Been so Just to your Excys Character
and Conduct as not to Give way to the Insinuations of the
Papists on their groundless fears and Jealousies when they
had not the Confidence to Assign the least of Facts, But on the
Contrary have signified their Approbation of your Integrity
to their Lordships in keeping them within due Bounds by such
Gentle methods as you have always Taken so we hope their
Lordships will look upon any fresh Complaints that have or
shall be made ag^{t} your Excy as Groundless as the former with-
out good Proofs It being as unlikely to find Papists under a
Protestant Government without Complaints, in Case they are
Listened to, as to find fire without warmth or water without
moisture.

Wee are somewhat Surprized to find the Roman Catholicks
so Active in Procuring Oppinions from Lawyers in England,
in Relation to our Laws Since the severest of them are more
Indulgent to them than the Statute made in the 11th and 12th
years of his Late Majesty King William the third Chapter the
fourth, which Expressly extends to his Majesty's Realms
and the Dom^{ns} thereunto Belonging And which we Presume
neither they nor the Learned Lawyers, whose oppinions they
have Taken will disallow the force of here from whence we
Begg leave to Observe that if the Act of Assembly against the
Growth of Popery here were not only suspended as they would
have it Actually Repealed, their Ends would be but Poorly p. 31
answered. But since by these measures those Gentl have
Plainly demonstrated that they Insist upon their Indulgences
as matters not of favour, but of Right to We think ourselves
Obliged to declare our opinions, that they have not any Right
to further Indulgences than that Statute gives them, And
Acknowledge your Excys Goodness in so Stateing their Case
to their Lordships as to give their Lordships an Occasion to
declare themselves so much to our Satisfaction.

Wee are well Assured the Romanists and their Adherents
did not Design your Excy either honour or Profitt in makeing
You the only Marke of their Revenge for Supporting the
Protestant Interest, But we must with all gratitude acknowl-
edge your Excys Generosity and goodness in Defending it at
the Hazzard of your Interest so farr as the Influence of theirs
could reach, Which were it such that thereby they could Ac-

U. H. J. complish their Ends in your Removall and Obtain a Successor more Pliable to their Intrigues (which we Pray God Prevent) would at last faile them for we who have so long enjoyed the Happy Influence of a Church of England Governm^t^ Cannot easily give it up to Papists while wee are blest with a Protestant King on the throne of Great Brittaine and a Protestant Proprietor under him to Govern us, whose Justice and Goodness we have Amply Experienced by rejecting their Complaints by Continueing us under the Imediate Admrcon of your Excy so hearty an Espouser of the Present Establishment both in Church & State.

Wee are not Ignorant of the Plotting uneasy and revengeful temper as well as proud and Turbulent Behaviour of M^r^ Macnemara ever since his first Comeing into this Province but more Especially since he has had the Oppertunity to
p. 32 Insinuate Himself into their Lordships Good graces which we are well Assured he never could have done if their Lordships had been as well Acquainted with his Conversation and Character, as we are of which when their Lordships shall be truly Informed, we doubt not but he may have Less Cause to boast of their Repeated favours.

Wee have considered what your Excy has been Pleased to lay before us as the Cause of Your suspending him from Practising in the Chancery Court and are of Oppinion that the Act of Assembly of this Province has Invested a Sufficient Authority in all the Courts of it not only to admitt but also to suspend Attornys Or other Practitioners of the Law from Practiceing in them upon their misbehaviour, Which the sev^ll^ Courts are the Proper Judges of without the Imputation of being both Judge & Party.

But if the Authority of any of his Lordships Courts should be Abridged in this Part it would be Impossible for them to Preserve such Decorum as is Absolutely necessary in Judiciall
p. 33 Proceedings but Render his Lordship's Authority in the Persons of his Judges Lyable to the Reproach of every mercenary Tongue, And as we Take it M^r^ Macnemara by his so much Insisting upon having the Right Honble the Lord Guilford's Letter to him Intered in the Proceedings of the Chancery Court seem'd to have some hopes he might be supported in his Practice in that Court without being Obliged to Shew it due Respect an use that we dare say his Lordship never Design'd should be made of it

Thus we have faithfully and Impartially Considered what your Exc^y^ has been Pleased to lay before us And think ourselves Obliged to Return our humble thanks for the Assurance you have given us of [y]our steady Resolution to Support the

Magistrates in the discharge of the truth [1] reposed in them as much as in you Lies and that you will not slacken your Endeavours to establish the Protestant Interest in Maryland, the Consequences whereof cannot redound to your Prejudice. And since we are fully satisfied the Complaints that have been made ag^t^ your Exc^y^ and Uneasinesses that have Been given you have been founded merely on Your Exc^ys^ Endeavours for the Comon Good of all his Majesty's Good Subjects here, U. H. J. p. 34

Wee begg Leave on this Occasion to Declare ourselves bound in Justice, duty & Gratitude to do what in us lies to Support Your Exc^ys^ Character and Interest ag^t^ the Attempts of all the disaffected whose restless and ambitious Spirits will not let them see when they are happy.

And we further Declare to the End that it may be known to all the world and recorded on our Journalls to the Honour of his Lordships Governm^t^ and of Your Exc^ys^ memory to Posterity, That through the whole Course of this your Exc^ys^ almost four years Adm^rcon^ by the strictest Observation we Can make, your Governm^t^ has been Just and universally Satisfactory to all his Majestys faithfull Protestant Subjects here and Complaind of by none but the Roman Catholicks and Their Adherents, and by them without any Other Cause that we can find Save that of Party and Principle.

Cap^t^ Daniel Mariartee and two others bring from the Lower House the Three following Bills Past by that House Viz. p. 35

A Bill for Confirming the Last will and Testam^t^ of Elizabeth Devegh and for vesting John Devegh an Estate in fee simple in all the Lands whereof the said Elizabeth dyed seized

A Bill to Enable Benjamin Howard to sell certain Lands in Ann Arundell County and to Entail other Lands belonging to him in Baltemore County

A Bill for Investing the Right Heirs of Edward Day with an Estate of fee Simple in Certain Lands

Read in this House the Petition of the Inhabitants of Dorchester County, and none Appearing to Pursue the same, Resolved the foll° message be sent to the Lower House:

By the Uper House of Assembly

Aprill 28^th^ 1718

Gent of the Lower House

The Petition of the Inhabitants of Dorchester County which was Referred to this Sessions being Signed by one hand and no Prosecutors Appearing (the persons accused being Ready

[1] *trust* intended.

U. H. J. to make their Defence) we Desire to be Informed, who preferred it last Sessions, or whether there be any of your House Concerned in the Prosecution thereof, which if there be, Desire they may appear to Prosecute.

Signed p order John Beard Cl Up Ho.

Sent down to the Lower House by John Hall Esq^{r} Who Returns & Says he Delivered it.

p. 36 M^{r} John Brannock brings from the Lower House the following Message Viz.

By the Lower House of Assembly

Aprill the 28th 1718.

May it Please yo^{r} Exc^{y} & Honours

M^{r} Brannock as a Representative for Dorchester County Exhibited the Petition last Sessions to this house, who has the Petition Signed by the Proper Hands of the Persons Subscribing, and therefore waits on your Exc^{y} & Honours to make good the Complaint.

Signed p order Mic. Jenifer Cl Lo. Ho.

M^{r} Tobias Pollard and M^{r} Peter Taylor bring from the Lower house the Petition of John Brannock on behalf of Thomas Brannock a minor seting forth that he is possessed of a Tract of Land Cont. four hundred Acres lying in Dorchester County, that his Father Edm^{d} Brannock poss^{d} the s^{d} Land Peaceably Twenty Years, That John Long entered into the s^{d} Land by Force & Arms & fell Timber & other Trees, That the s^{d} John Brannock on behalf of the s^{d} minor made Complaint to the Justices of Dorchester County according to the Form of the Statute, that the Jury thereon Impanelled found the s^{d} Long Guilty of Entring into the said Land and the Pet^{r} prayed Restitution Accordingly, but the Justices Refused the same & ordered the Pet^{r} to pay the Costs. Whereupon he Prays Relief.

Which was Endorsed by the Lo Ho viz.

p. 37 By the Lower House of Assembly

April the 28th 1718.

May It please yo^{r} Excy & Honours.

On reading the within Petition for that it seems the matters Complained of are against some of the Justices of Dorchester County Court for misfeazance in their Office the same is

Humbly Referred to your Excellency and Honours to do U. H. J.
therein what may be thought Necessary.

Signed p order Mic. Jenifer Cl. Lo. Ho.

On Reading whereof and hearing the parties Concerned in this Complaint,

It is the Opinion of this House that the Justices have not done their Duty in not Restoreing to Rebecca Brannock the mother of the s[d] minor the Possession of the Land whereon the Jury found the Force to be Comitted.

Col Edward Scott and three more bring from the Lower House, A Supplementary Bill to the Act Directing the manner of Electing & Sumoning Delegates & Representatives to serve in succeeding Assemblys &c. Past by the Lower House and being Read in this House,

Resolved that M[r] Attorny Generall be Consulted whether, that Part of the Bill Relating to Papists having their Votes at p. 38
Elections be Repugnant to the Laws of England or not

Which he is Required to Certify under his hand

A Copy of the above Order being Sent by Col Addison & M[r] Henry Lowe, they Return & say they Delivered it, And that M[r] Attorny Gen[l] Desires leave till the morning to Consider it.

The House Adjourns till to morrow Morning

Tuesday Aprill 29. 1718

This house meet according to Adjournment

Present as yesterday, with the Addition of Tho[s] Brook Esq[r]

The following message being prepared is Sent to the Lower house as foll

By the Uper House of Assembly

Aprill 29[th] 1718

Gent. Believing it will be great Satisfaction to your house We have now Comunicated a Letter We have had the Honour to Receive from the Right Honourable the Lords Guilford & Baltemore, by which you will Observe how ready their Ldships are to Support their Authority, And strengthen the Hands of p. 39
those Comissioned for the Distribution of Justice against the bold & Insolent Attempts of M[r] Macnemara, not only in the Chancery, but to some of our Knowledge in the Prov[l] Court.

So Seasonable a piece of Justice in their Lordships, we hope may have an Influence on those (had this gone with Impunity) who might have followed his Evill Example of flying in the

U. H. J. face of the Government, which he has been too apt to do not only in this Province but our neighbouring Government of Pensilvania as you'l Perceive by the Transcript herewith Sent you

Signed p Order
John Beard Cl Up Ho.

A Copy of the Transcript of the Record from Philadelphia is as foll viz.

City of Philadelphia.

Att a Court of Record of our Sov^n^ Lady the Queen in the City of Philadelphia held the fifth day of Aprill in the year of the Reign of our Lady Anne by the Grace of God Queen of Great Britain France, & Ireland, Defender of the Faith &c., the Eighth, and in the year of our Lord 1709 By vertue of a Charter of William Penn Esq^r^ Proprietor & Governour of the
p. 40 Province of Pensilvania &c bearing date the 25^th^ day of October in the year of our Lord 1701 Grounded upon the Letters Patent of the late King Charles the Second under the Great Seale of England before Tho^s^ Masters Esq^r^ Mayor of the City af^d^ Robert Ashton Esq^r^ Recorder, Griffith Jones, Nathan Stanbury, Samuel Preston, Joseph Willcox, William Carter and Rich^d^ Hill Esq^rs^ Aldermen, Justices of our said Lady and Queen, the Peace in the City af^d^ to Keep as also Diverse ffelonies Trespasses and other Offences in the same City Comitted to hear & determine Assigned &c.

Memorandum that Amongst the Files & Records of the said Court It is thus Contained

Thomas Macnemara appearing in Court with a Sword by his side, And being under three Recognisances, One for the Peace and the other two for his good behaviour Refuseing to lay aside his sword being thereunto Required by this Court, and Obstinately departing this Court in a Contemptuous Manner,

This Court orders Edward Williams One of the Constables
p. 41 of this City to Apprehend him, take his Sword from him, and bring him before the said Court.

To the Mayor Recorder and Alderman of the Court of the City of Philadelphia

The Petition of the Grand Jury

Sheweth. That whereas we the Grand Jury have been witnesses of the Carriage & Deportment of Thomas Macne-

mara in this Court and having Sufficient Evidence of his Insolent behaviour at sundry other Times in this City Tending to the Division of the Queen's Peaceable Subjects therein, And Contempt of the Authority of this Government, Do humbly Request in behalf of the body of the Freemen and Inhabitants of this City that for the Preservation of the Peace of the s^{d} City, and Keeping a Good Understanding amongst us, That the said Thomas Macnemara may from henceforth not be Suffered to Appear as Councill or to Plead as an Attorny in the said Court, And we also humbly Desire that this Court wou'd be pleased to Represent to the hon̄ble Col^{o} Charles Gookin our present Governour, & Councill the Insolent Behaviour & Contempt of the s^{d} Macnemara That He may be thereby persuaded to Disable the said Macnemara from appearing in any Court as Councill or Plead as an Attorny in this Province as the neighbouring Governour of Maryland We are Inform'd hath already done there, which as it will undoubtedly Tend to the Peace of this Place and Government will Consequently Oblige us to Desire the long Continuance of the Present Government over us, nothing being more Acceptable to us than Peace, nor nothing more Justly detested than all Insolent Persons who Endeav^{r} to break the same and Consequently in Time Comit greater Evills. U. H. J. p. 42

Sign'd p̄ order with full Consent of the s^{d} Grand Jury

Clement Plumstead foreman

Seale of the Mayorality

Robert Assheton, Recorder

Att a Court of Comon Pleas held at Philadelphia for the City and County of Philadelphia the second day of June in the year of the Reign of our Sov^{n} Lady Ann Queen of Great Brittain France & Ireland Defender of the Faith &c the Eighth Annoq D^{mi} 1709, before Joseph Growden, Samuel Finney, George Roach Ric^{d} Hill & Nathaniel Stanbury Esq^{rs} Justices of the s^{d} Court.

Memorandum

That amongst the Files & Records of the said Court it is thus Contained p. 43

Wee Having Taken into Consideration the Insolent Carriage and Behaviour of Thomas Macnemara from time to time in this Place whereby he has Rendered himself not only obnoxious to the Country in Generall but has been Particularly Represented as of such behaviour not only by the Grand Jury, but Generall Assembly,

U. H. J. We Do therefore hereby Prohibit the said Macnemara his any further Practising as an Attorney in this Court

Seal

p Curiam
Robert Assheton, Proton.

The aforegoing message & Copy of the Record sent to the Lower House by Col° Holland Col° Young Col° Addison Col Tilghman & Col Smyth

Who Return & say they Delivered it.

Brought from the Lower house by M^r James Lloyd and two others the fol° message Viz.

By the lower house of Assembly

Aprill the 29^th^ 1718

May it Please Your Excy & Hon^rs^.

p. 44 Tis found by Experience & Sundry Petitions Offered to this House that some Amendments are necessary to be made in the Act for Ascertaining the bounds of Lands &c. which ought to be done either by a Supplementary Bill to the Act or by Reenacting it which being a matter of Great Concern to the Province in Generall We Desire your Exc^y^ & Hon^rs^ will be Pleased to Appoint some of the members of your House to Joyn with some of our members in a Conference to Consider of that Act and Propose what Amendments may be thought necessary

Signed p order M: Jenifer Cl. Lo. Ho.

M^r^ Attorny General according to yesterday's Order Delivers his Opinion in writeing as foll°

To the Hon̄ble the Uper house of Assembly
April 29^th^ 1718

I Do hereby humbly Certify to your Hon^rs^ that Pursuant to your Reference made to me yesterday to Consider whether that Part of the Bill now proposed as a Supplementary Bill to the Act Directing the manner of Electing & Sumoning Delegates & Representatives to Serve in Succeeding Assemblys &c^a^ Relateing to Papists voteing at Elections be Repugnant to the Laws of England or not; I have Consulted Authoritys and find the same no ways Repugnant but Consonant to the law of
p. 45 England Especially the Act of Parliament of the 7^th^ & 8^th^ years of King William the 3^d^ of Glorious memory, Entituled An Act for the better Security of his Majestys Royall Person & Government.

I am Your Hon^rs^ most obedient humble Serv^t^
W^m^ Bladen Att. Gen^ll^

Whereupon the said Supplementary Act being Read a Second Time in this House will Pass & is so Endorsed And Sent to the lower house, by Col° Holland, Col Young, Col° Addison, Col° Tilghman and Col Smyth, who Return and say they delivered it. U. H. J.

The foll° message being Prepared is sent to the lower House viz.

By the Uper house of Assembly

Aprill the 29th 1718

Gent. In answer to your Message by M^r James Lloyd and two others this House hath appointed Col. Thomas Ennalls Col Tho^s Addison Col Rich^d Tilghman & Henry Lowe Esq^r to Join with such of the Gentl of your House as you think Conven^t

Signed p Order John Beard Cl Up Ho.

Sent by the Gentl of the Conference who return and Say they delivered it

M^r James Stoddart and five others from the lower House with the following message p. 46

By the Lower House of Assembly

Aprill the 29th 1718

May It Please your Hon^rs

We have appointed James Stoddert Esq^r Capt. Thomas Truman Greenfield, Capt Henry Peregrine Jowles, M^r James Lloyd & M^r W^m Turbutt & Lieut Col° Edward Scott to Join the members of your House in the Conference on the Act for Ascertaining the bounds of Land &c. who are now Ready to attend

Signed p Ord^r M. Jenifer Cl Lo. Ho.

By his Excellency the Governour

Aprill the 29th 1718

Gentlemen of the Uper & Lower Houses of Assembly

Finding an Absolute necessity for the good Government of the Church in this Province in order to the Promoting Propagateing of True Religion & Virtue, I have Convened the venerable body of the Clergy, who are at this time met together for that End. But as this my Intention will be sett in a Clearer View by the Speech I made to the Reverend Clergy And their Address to me upon it, I now Communicate to this Generall Assembly and not Doubt but your Zeal for Religion will Excite

U. H. J. p. 47 you to do what is proper for you in your Stations, for the advancement of the aforementioned Intention of the meeting of the Reverend Clergy at this Season. Some of the Rev^rnd Clergy have Informed me that they are Preparing a Representation to be laid before both Houses which will be soon offered to your Consideration.

By the Uper house of Assembly

April 29^th 1718

Gent His Excellency having been pleased to lay before us the aforegoing with a Copy of his Speech to the Reverend Clergy and their Address to him, We think ourselves Obliged by our Duty to God most heartily to thank his Excellency for his Great and Pious Care of our Religion and at the same time to Assure you how Readily we shall joyn with you (on sight of such Representation) to do what may be judged necessary And to the contributing to so good a work.

Signed p order John Beard Cl Up Ho.

Rev^d Gentlemen

On my first Arrival from Great Brittain I Convened the Rev^d Body of the Clergy to be Advised of the State & Condition of the Church of England in this Province, to which I was p. 48 Prompted not only by the Duty of my Station, but also by a Zealous Inclination to Promote as much as in me Lay the Propagation of our most holy Religion, for which Pious & laudable End you are missionaries here.

I had not long Resided here before Experience shewed me the necessity of having some Rev^d Persons Impowered by the Right Rev^d the Lord Bishop of London our Diocesan for the Better Government of the Church in this Province.

This Obliged me to remonstrate to that Effect to his Lordship who had the Goodness not only to Approve of my Remonstrance but even Condescended to Appoint for his Lordship's Commissaries those two Rev^d Gentlemen whom I took the Liberty to Nominate for that Purpose.

I find there are Sev^ll Difficulties in the Execution of the Rev^d Commissaries' Comissions, which in good measure is Oweing to the Constitution of the Province and the Natural Scituation of the Country filled with great Rivers & Creeks which renders it Impracticable to Put the Ecclesiasticall Cannons in full force. As it is much to be wished they might be as well here as in England To Remove all which Obstructions you are now Called together, And upon your Representation

of them you may be Assured of my hearty Concurrence in anything it is Proper for me to do in my Station, that may be of use and Benefitt to the Church of England in this Province And if there be any other Grievances which the Clergy in Generall or Particular Labour under; I would Recommend to them this Publick Season of the sitting of the Assembly as most proper, that whatever they have to offer may be Presented to those who have Power to redress them. U. H. J. p. 49

I am heartily greived to hear how much Jesuits and Other Popish Emissaries have prevailed by their Insinuating Arts upon the weak & Ignorant how many they are & how vigilant in gaining Proselytes & seducing the Unwary. This naturally prompts you to Diligence & Circumspection, And I hope your Vigilance Zeal & Active Application to the great Charge you have Taken upon you will not only regain such as have been lost but also add daily to the fold such as shall be saved.

Rev^{d} The Gentlemen Com^{ty}

The Methods of mildness & Gentleness are in themselves so Indearing that I hope I need not recommend them to you in the Execution of the Right Rev^{d} his Lordships Comission, & I am glad upon this Occasion to tell you that by a View I have Lately had of a letter from his Lordship I find my Opinion Confirmed by his Authority.

Rev^{d} Gentlemen

I do earnestly recommend to you to Carry on your Proceedings with that Unity & Brotherly Love as may Demonstrate you the Disciples of the Prince of Peace & Concord

John Hart

To his Excellency John Hart Esq^{r} p. 50
Capt. Generall Commander in Chief &c.

The humble Address of the Commissaries and Clergy of this Province in Convention Assembled

May It Please Your Excellency

We the Comissaries & Clergy of Maryland in Convention Assembled begg Leave to Return you our unfeigned & hearty Thanks for Your most Pious and Excellent Speech Yesterday delivered to us. And we are glad of this Occasion to testifye to the World what a deep sense we have Always entertained of Your Exc^{ys} Goodness & Favour to us and zealous Inclination for the Propagation of our most holy Religion

U. H. J. As Your Excellencys Zeal always Prompted you to do whatever in You Lay for the Advantage and Interest of the Church of England so in a Perticular manner we think ourselves under an Obligation of Gratitude for your Excellencys early care for the Better Governm^{t} thereof Expressed in the Nomination of the two Rev^{d} Gentlemen Who now Act as Commissaries to the Right Rev^{d} Father in God John Lord Bishop of London our Diocesan from whose prudent Care and Inspection we hope to reap all the Advantages proposed & Designed by Your Excy

p. 51 Your Excellencys Concern for Removing all such difficulties as through the Scituation of the Country & the Constitution of the Province may in any way affect the Execution of his Lordships Commission, is another Argument how much You have the Interest of the Church at heart, as your Care for redressing any Other Grievances which the Clergy in Generall or Perticular may Labour under is An Undoubted Testimony of your Affections to her Ministers.

Tis true we cannot hope to see the Ecclesiasticall Cannons put in full force here, as they are in England, though we Heartily Joyn with Your Excellency in your Wishes that they might be so: yet as We have seen already things Obtained for us by Your Excellencys means beyond our Expectation so we may hope for much greater if by Gods Providence we shall be long happy under Your Government. But we should think ourselves inexcusably Impertinent if in the Proposall of means for the attaining these Pious Ends we should offer anything which might be thought Improper for Your Excy to do in Your Station

The Progress of Popery in this Province as it affects us with the Deepest Sorrow so it Sufficiently Prompts us to Diligence & Circumspection in the discharge of our Functions Especially when by the Success We may Judge of the Number and Vigilance of those Emissaries who go about Practising their Insinuating Arts and Seducing the Unwary and Ignorant. And as to ourselves we hope that Our Vigilance Zeal

p. 52 & Active Application to the Great Charge we have Taken upon us will be Effectuall with Gods Blessing, to the reclaiming of such as have gone astray and the Establishment of such as are at Present firm, but we Leave it to Your Excys Wisdom to think of such Methods as shall be Effectual to the restraint of such Pernicious Practices for the future.

Your Excellencys Earnest Exhortation to Peace and Unity Among Ourselves as it shews us Your Tender regard for the true Interest & Prosperity of our most holy Religion so also It is a Distinguishing mark of Your Excellency's Esteem and

Veneration for the sacred Function which is not to be maintained in Creditt in the World but by those Evangelicall methods so Earnestly Methods so ardently recommended by Your Excellency. And we Begg Leave to assure your Excy that we hope by the unanimity of our Proceedings, the Quick Dispatch of Business & happy Conclusion of this Convention to make it Appear that we have behaved ourselves as the Disciples of the Prince of Peace and Concord U. H. J.

Commissaries	Christopher Wilkinson & Jacob Henderson	George Ross Ric[d] Sewall Tho[s] Howell
	Tho[s] Cockshutt	Joseph Colebatch
	Henry Hall	Alex[r] Adams
	W[m] Tibbs	Henry Nicolls
	John Fraser	Alex[r] Williamson
	Jona Cay	Dan[l] Maynadier
	Ja[s] Williamson	Tho[s] Thomson
	George Irvine	Will[m] Machoncie
	Sam[ll] Skippon	

The House Adjourns till Afternoon

Post Meridiem p. 53

The House meet according to Adjournment

Present

Tho[s] Brooke Esq[r]	John Hall Esq[r]
Col W[m] Holland	Col Tho[s] Smyth &
Col. Sam[l] Young	Henry Lowe Esq[r]

The Rest of the Gent of this House being on the Conference

James Harris and two Others from the Lower House with a Supplementary Bill to the Act Directing the manner of Sumoning and Electing Delegates and Representatives to serve in Succeeding Assemblys.

Engrossed and Assented to by that house And being Read is Assented to by this House And Accordingly so Endorsed. And John Hall Esq[r] sent to Acquaint the Lower house thereof

Col Thomas Addison Col Rich[d] Tilghman & Henry Lowe Esq[r] sent to the Lower House to Acquaint M[r] Speaker that his Excy Requires him with the Rest of that house to attend him Imediately in the Councill Chamber. p. 54

Who Return & say they Delivered it

U. H. J. Thereupon M^r Speaker with the Rest of that house Attend Accordingly, where his Excellency is Pleased to bespeak as well this house as the Gentl of the Lower as foll

Gentlemen of the Upper & Lower Houses of Assembly[1]

You have in the preamble of this wholesome Bill so fully expressed your Inducements & necessity for preparing it, that I shall readily pass it into a Law

And tho I am under no Obligation of giving my Reasons on the Occasion, yet that persons concerned may know my Sentiments, I now declare that I take it to be highly unreasonable the Papists & their Adherents, who when It was in their Power shewed such a notable disaffection to our Laws, should be permitted to vote for the Election of Members of the Lower House who compose so Essential a part of the Legislature of this Province

John Hart

p. 55 And Imediately thereupon His Excellency in the Presence of both houses Passes the Supplementary Bill to an Act for Electing and Summoning Delegates to serve in succeeding Assemblys &c^a Into An Act.

On Hearing the Allegations and Pretentions of the Prosecutors on the Petition of Part of the Inhabitants of Dorchester County Against the Justices of that County for Selling the Amerciaments that have Arisen due therein for many years Past Contrary to the Directions of an Act of Assembly of this Province, And on hearing their Defence thereto,

Tis put to the Question whither the Justices cou'd Dispose of the Amerciaments in the manner they did or not

Resolved that as to what Amerciam^ts have arrisen due since the year 1698 the Justices had no Right to Dispose of them, for that they ought to have been Collected And Accounted for by the Sherriffe for that Countys use, but as to what arrose due before that time the Justices might Dispose of as they Pleased & Ordered that M^r Goovert Loockerman account upon Oath
p. 56 with the Justices of Dorchester County for the Amerciaments from 1698 Till 1706, And that he pay for the use of the said County what shall appear to be due to them after his Sallary Deducted for Collection And Eight thousand p^ds of Tobacco already paid them being the Consideration of the Purchase, And that if it shall Appear he has not Received to the Sum of

[1] The text of this address is not in the original record, though a blank space is left where it should appear. It is supplied from a contemporary copy of the Proceedings contained in the Archives.

Eight thousand Pounds of Tobacco The County Refund him what the Collection falls short together with his Sallary. U. H. J.

The House adjourns Till to morrow Morning

Wednesday April 30th 1718

The House meet According to Adjournment

Present

His Excellcy the Governour

Thos Brooke Esqr	John Hall Esqr
Wm Holland Esqr	Phil Lloyd Esqr
Thos Ennalls Esqr	Rd Tilghman Esqr
Saml Young Esqr	Thos Smyth Esqr
Tho Addison Esqr	Henry Lowe Esqr

Thomas Macnemara Esqr Proves before this House his Accounts of Shipping & Country Duties &c. Till this Time as being Naval Officer of Petuxent. p. 57

Capt Daniel Mariartee and five others bring from the Lower House the foll° Message Viz.

By the Lower House of Assembly

Aprill the 30th 1718

May It Please Yor Honrs

It is with Great Satisfaction to this house by Perusing their Lordships' Letter to your Honours That we find their Lordships 'so firmly resolved to maintain the Authority of their Government here against the many bold and Insolent Attempts of Mr Macnemara to the Discouragement of such that for the future shall fly in the face of Government.

And We Cannot but Observe from the Transcript of the Records from Philadelphia that Mr Macnemara has not only been Obnoxious to Government here but in other Places where he has had any Residence so that we hope their Lordships will be sufficiently Convinced that the Prosecutions against Mr Macnemara here have not been Carryed on by Partiality, for that he has undergone the same Fate before in other Places Purely through his own haughty ambitious Temper and ill Conduct. p. 58

Signed p order M. Jenifer Cl. Lo. Ho.

The House adjourns till Afternoon

U. H. J.

Post Meridiem

The House meet according to Adjournment

Present as in the morning

Capt. Daniel Mariartee and five others bring from the Lower House a Bill to Repeal a Certain Act of Assembly Entituled an Act to Prevent the Growth of Popery within this Province, Passed by that House.

On Reading whereof in this House His Excellency is pleased to lay before this Board One of his Ldps Instructions to him Viz

Article 57th. You are to Permitt a Liberty of Conscience to
p. 59 all Persons (Except Papists) so they be Contented with a Peaceable & Quiet Enjoyment of the same not Giving Offence or Scandall to the Government.

Whereupon the said Bill is Endorsed,

Twice Read in this House and Passed with this Amendmt Viz. (Chapter the fourth) and sent to the Lower House by Colo Holland Col Young & Phil Lloyd Esqr Who Return & say they Delivered it.

Mr Nathaniel Dare & five others bring from the Lower House the following Message Viz.

By the Lower House of Assembly.
Aprill 30th 1718

May It Please Your Honrs

In Answer to your message of yesterday by Colo Holland Col Ennalls Col Addison and Esqr Hall with his Excellencys Speech to the Reverend Clergy And their Address to him We gratefully Acknowledge the Zeal his Excellency has always Exprest for the benefitt & Advantage of the Church Established by Law Amongst us And begg leave to Assure his
p. 60 Excellency & Your Honours, that whensoever the Reverend Clergy shall be pleased to lay before us their Representation for the farther Advancement of that holy Religion We profess, We shall Proceed to do therein what may be Reasonably Expected from True members of that Church with a Just Regard had to the Constitution of the Country we Represent.

Signed p order M Jenifer Cl. Lo. Ho.

Mr Joseph Hill & Mr James Frisby from the Lower house Present Mr John Beale a Member Chosen for the City of Annapolis to be Qualifyed by takeing the severall Oaths Appointed to be taken to the Government

Which he Accordingly does by takeing the same In their Presence. U. H. J.

And thereupon they Withdrew

His Excellency lays before this house part of a Letter to him from their Lordships dated the 16th day of Novr 1717 Concerning the Eight p Cent as foll

We are well satisfyed with the Reason of the Assembly's postponeing the Restoreing us the Eight p Cent which was without our Knowledge deducted out of that Part of our Revenue for which we gave up our Quit Rents & Alienation Fines. p. 61

And Declaring to this House that their Lordships Expect to be restored to the said Eight p Cent having given so valuable a Consideration for it as the Quitt Rents & Alienation ffines, On which his Excy Desires the Opinion of this House.

Whereupon the following Message is Prepared

By the Uper house of Assembly

Aprill 30th 1718

Gent. His Excellency having laid before this House Part of a Letter to him from his Lordship the Ld Propry dated the 16th day of November 1717 Relateing to the Eight p Cent deducted out of his Lordship's Revenue of Eighteen p hhd, in his Lordships Words, We having taken into Consideration his Lordships Comands thereupon, And finding on your Journalls of May Assembly 1717 that you have Postponed that affair unto this Session of Assembly; We therefore Desire you will now enter into the further Consideration of it. The Words of his Lordships Letter are, We are well Satisfyed with the Reason of the Assembly postponeing the Restoreing us the Eight p Cent which was without our knowledge Deducted out of that Part of our Revenue for which we gave up our Quit Rents & Alienation Fines. p. 62

Signed p order John Beard Cl Up Ho.

Sent by Thos Brooke Esqr & Jno Hall Esqr who returne & say they Delivered it.

Mr Nicholas Lowe appears before this Board & proves his severall Publick Accounts as Deputy Collector of the Port of Oxford.

John Steele Esqr proves his Severall Accounts as Naval Officer of the Port of Annapolis

Wm Bladen Esqr Proves his Severall Accounts as Collector of the port of Annapolis

U. H. J. p. 63 The Petition of Maurice Birchfield Esq[r] Survey[r] Generall being Read at this Board, The Question is put whether this house will Proceed to the Examination of the Allegations of the Petition[r] or whether they will Referr it to the Consideration of the Lower House.

Resolved it be Referred to the Consideration of the Lower House

The Reverend Clergy lay before this Hon[r]ble House a Representation as foll

To his Excellency John Hart Esq[r]
Capt. Generall & Comander in Chief &c
And to the Hon[r]ble the Uper & Lower Houses of Assembly

May It Please your Excellency and your Honours

The Clergy having addressed Your Excellency and your Honours to remove such Obstructions as seen to Impede the Ecclesiasticall Jurisdiction of the Right Reverend the Lord Bishop of London our Diocesan, which we humbly Conceive
p. 64 should take place here agreeable to his Excellency's Instructions from the late Queen a Copy of w[ch] duly Attested is herewith humbly offered; do now Presume with all Humility to lay before you a Sumary of such Obstructions with Solutions to the same as in our Opinion, if Approved of by your Excellency and your Honours may facilitate the due Exercise of the af[d] Instruction, Viz.

Obstruction first.

That the People are generally made to believe that the Bishop of London has no Authority to Erect any Court within this Province

Solution

That the Bishop of London's Jurisdiction in this Province as Contained within his Diocese be asserted and Recognized, Except in such things as are Excepted in his Lordships Comission to his Commissarys and his Instruction from the late Queen, Instruct 8o[th]

Obstruction the second

That by reason of the many Creeks & Rivers wherewith this Province doth abound the Church Wardens do find it Chargeable to attend the Commissaries at their Visitations

p. 65 Solution

That the Reasonable and necessary Expences the Church Wardens may be at in their Attendance at the Comissaries'

Visitations be Reckoned a part of the Parochiall Charges according to the Act of Religion U. H. J.

Obstruction the third

That the Jurisdiction of the Bishop Cannot well be carryed on without a Proper Officer to write & Record the Proceedings of the Comissarys

Solution

That his Excellency and the Hon^rble Houses wou'd please to Consider of some Expedient to Support such a Writer

Obstruction the fourth

That to Serve Citations the Comissaries will find it Difficult

Solution

That the Sherriffe of Each County do Serve & return such Citations.

N. B. That the Comissaries & Clergy to remove any uneasiness that may arise upon the Account of their Charges are fully Resolved to bear their own Expences: only with this Request that they may Pass & Repass all ferries at all Times without Paying.

M^r John Baker & M^r John Fendal from the Lower house with a Bill Reviving & Continuing An Act of Assembly of this Province Entituled an Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. p. 66

Passed by that House

The House Adjourns till to morrow morning

Thursday May the first 1718

The House meet According to Adjournment

Present as yesterday

Read at this Board a Bill Confirming the will of Elizabeth Devegh

Resolved it Pass & so Endorsed

The Bill for Investing the Right Heirs of Edw^d Day with an Estate of Fee simple in Certain Lands, Being Read Ordered the foll^o Endorsem^t be made Viz. That if the Widow of Edw^d Day has already had due notice This bill will Pass with a Clause therein Inserted signifying the same. But if she has

U. H. J. p. 67 not this House think it Reasonable Time and notice be Given her to be heard in Relation hereto the next Sessions.

Read also at this Board a Bill to Enable Benjamin Howard to sell Certain Lands in Ann Arundell County, and for Entailing other Lands in Baltemore County.

The Question being put whether it shall Pass or not Resolved in the Affirmative and so Endorsed.

All which three Bills are sent to the Lower House by Col Tilghman who Returns & says he Delivered them

Col Thomas Ennalls lays before this House a Report of the Conference on the Land Law as foll° Viz.

Att a Conference Appointed by the Uper and Lower Houses of Assembly to Inspect into the Law for Ascertaining the bounds of Land.

Who Accordingly meet at the House of M^rs^ Mary Dodd on Tuesday the 29^th^ Day of Aprill 1718.

And were Present

The Hon̄ble	Col. Thos. Ennalls	Col Rich^d^ Tilghman	of the Up House
	Col. Tho^s^ Addison	Henry Lowe Esq^r^	

p. 68

The Hon̄ble	James Stoddert Esq^r^	M^r^ James Lloyd	of the Lower House.
	Cap^t^ Tho^s^ Greenfield	Col. Edw^d^ Scott	
	Capt. Hen: P. Jowles	M^r^ W^m^ Turbutt	

Who make choice of Col Tho^s^ Ennalls to be Chairman and Philip Hamond for their Cl^k^.

And thereupon Proceed to Inspect and Examine into the Defects in the said Law and to Consider a remedy to redress the same.

The Conference adjourns until Wednesday morning eight of the Clock

Wednesday Morning Aprill 30^th^ 1718.

The Conferences meet According to Adjournm^t^

Present as before.

Who proceed to Inspect into the said Law and Humbly offer the following Remarks to the Discretion of the Upper & Lower Houses of Assembly for their Approbation thereon Viz.

1^st^ That the time for the meeting of the Commiss^rs^ be the second day of the sev^ll^ County Courts.

2dly That the Complaint shall give Notice to the Deft —— U. H. J.
days before he makes his Complaint

3dly That the Commrs shall Appoint a Day for Ascertain- p. 69
ing the Bounds &c att any time after five weeks after the day of Complaint.

4thly That publick proclamation be made of the day Appointed on the day of Complaint And that Notes be sett up at the publick places in the County.

5thly That the Complaint and Defendt may mutually make Choice of three of the Commrs to Determine the Bounds then such Determination to be Conclusive without any Review. But if they cannt agree upon their Choice then that the Commrs proceed to Ascertain the Bounds and if Either party be Aggrieved he may appeale to three Other Psons to be Chosen out of the remaining Commrs of the same and One of the next Adjacent Counties which three Persons shall be made Choice of in maner following Viz. Each of the parties to choose one and they Two to Choose the third whose Determination shall be finall Except in appeals to England, Provided always that One of the Commissrs be present that gave the first Judgment to give his Reason to the Commrs of Review for so doing

6thly That more Time be Given to Absent Persons

7thly That the Commrs Ascertain the Damages

8thly That the Damages and Costs be upon Execution to be Awarded by the Commrs

9thly That the Commrs of Review Value the Land in Case of Appeale to England.

10thly That the ꝓvision be made for those who have lost the Benefitt of a Review by Absence or Otherwise

Signed ꝓ order Philip Hamond Cl Conference

Col John Ward & two more from the Lower House with a p. 70
Bill for the Relieving of Robert High of Calvert County & Philip Eilbeck of Kent County Languishing Prisoners.

Passed by that House

And being Read is Passed by this House.

Also Read a Bill Reviving An Act Entituled An Act Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

And Passed by the Majority & so Endorsed and sent down by Col Addison Who Returns & says he Delivered it.

Read at this Board the Petition of Monason King of Asotague & his Indians.

And Referred to the Lower House & so Endorsed.

U. H. J. The Petition of Cap[t] Hardy Read in this House, and Referred to the Consideration of the Lower House, And so Endorsed.

And both sent down by Esq[r] Hall who Returns & Says he Delivered it.

M[r] Thomas Robins and two others with a Bill Confirming the last Will & Testament of Elizabeth Devegh &c. Endorsed as foll

By the Lo Ho of Assembly May 1[st] 1718

On Reading the within Bill motion is made that a Clause be
p. 71 Inserted Saving to the Lawfull heirs their Right in Case they make good their Claim in seven years.

Whereupon this Bill is amended accordingly and will Pass with the Amendm[t] Proposed, with which we desire your Hon[rs] Concurrence.

Signed p order Mic. Jenifer Cl Lo Ho.

Which being Read & Considered this house Concurrs therewith, and the bill is so Endorsed and Sent down by Col° Tilghman who Returns & Says he D[d] it.

Cap[t] Dan[l] Mariartee and Tobias Pollard from the Lower House with a Bill Engrosed Repealing the Act to Prevent the Growth of Popery.

Assented to by that House, and being Read is Assented to by this, and Col Addison Sent to Acquaint the Lower House thereof

The Petition of M[r] Thomas Cook Relating to the new building And his Account therewith being Read at this Board is Referred to the Consideration of the Lower House. And so Endorsed and Sent to the Lower House

The House adjourns till To morrow Morning

Friday May the 2[d] 1718

The House meet According to Adjournment

p. 72 Present

Tho[s] Brooke Esq[r]	John Hall Esq[r]
Col° Holland	Col° Smyth
Col° Ennalls	Col° Tilghman
Col° Young	and
Col° Addison	Henry Lowe Esq[r]

M[r] Thomas Cook's Petition, And a Bill for Relief of Rob[t] High & Philip Eilbeck

Sent to the Lower House by Esq^{r} Hall, who returns & Says U. H. J.
he D^{d} them

His Excellency lays before this House the Lord Bishop of London's Comission to the Rev^{rnd} M^{r} Christopher Wilkinson, and his Letter to him.

Whereon the foll^{o} message is Prepared viz.

By the Up^{r} Ho of Assembly

May the 2^{d} 1718

Gent. We now send you a Representation as It is layd before us from the Revnd Clergy together with Copys of several papers relating to the Clergy viz. A Copy of the Lord Bishop of London's Comission to the Revnd M^{r} Wilkinson to be Comissary of the Eastern Shoar And the said Bish- p. 73
op's Letter to him and a Copy of Instructions to his Excellency from her late Majesty Queen Ann, Whereon we Desire that some of the Members of your house may Joyn with some of this house in a Conference to Consult in Relation thereto where the Revnd Clergy may be heard on the s^{d} Representation if found Requisite.

Signed p order. Jn^{o} Beard Cl. Up. Ho.

Sent Down by Col^{o} Holland, Esq^{r} Brook Col Ennalls & Col Young who Return & say they D^{d} it.

Read at this Board the Complaint of Cap^{t} David Pulsifer Against Thomas Macnemara Naval Officer of Petuxent for Exacting & takeing more Fees on his Clearance than he Ought with a Copy of the Account. Which is Referred to the Consider^{n} of the Lo: House & Accordingly so Endorsed, And Sent down by Esq^{r} Hall who Returns & Says He D^{d} it.

The House Adjourns till Afternoon

Post Meridiem

The house meet according to Adjournment

Present as in the Forenoon

On the Petition of Capt. John Rider for a Rehearing on p. 74
the Petition of John Brannock relateing to a forceable Entry made by John Long on the Lands of Rebeccah Brannock

The Question is put whether this Cause is Cognizable before the Justices of the Provinciall Court or not. Resolved in the Affirmative and that the s^{d} Brannock be left to his Remedy at comon Law, And Ordered that his Pet^{o} be Rejected.

U. H. J. The Question is also put that seeing John Brannock has Petitioned this house for Relief in a Cause he hath a Remedy for at Common Law, whether it is not vexatious to the Justices of that County And Tends to the Discourageing Justices of the Peace holding Comissions under his L^dp^ or not.

Resolved in the Affirmative.

M^r^ Tobias Pollard and two Others from the lower house with the foll° Engrossed bills, Assented to by that House viz.

A Bill to Enable Benj^a^ Howard to sell Lands in Ann Arundell County and to Entail other Lands in Baltemore County.

A Bill for Investing the Right heirs of Edw^d^ Day of
p. 75 Somersett County in Certain lands in that County which are Read in this house and assented to, And Col° Holland sent to Acquaint the lower ho: thereof.

Col° Maxwell & M^r^ W^m^ Young bring up a bill from the lower house to Confirm to Mary Hall of Talbot County Widow a Tract of Land called Glades Addition in that County Passed by the Lower house

M^r^ James Lloyd & two others bring the foll° Message from the lower House.

By the Lower House of Assembly
May the 2^d^ 1718.

May it please Your Honours

We have read Cap^t^ Hardys Petition with M^r^ Attorny Generall Opinion thereon in this House but as there are not any Facts therein set forth whereby we can Conceive Cap^t^ Hardy to be Aggrieved so we know not how to ꝑvide for his reliefe. However we Begg leave to Observe that the Act of Assembly sufficiently Provides for the speedy recovery of Debts in the County Courts by sending of Copies of Declarations with the writts which as we take it was chiefly Designed for the Benefitt of Traders and Forreigners.

As to that part of the Att^rny^ Generall's Opinion relating to the bringing in a Bill for the making Valid the Depositions of Seafaring men Absent out of this Province in the sev^ll^ County Courts We shall further Consider thereof

Signed ꝑ Order
Mic. Jenifer Cl. Lo: House

p. 76 The Petition of the Inhabitants of Prince Georges Co^ty^ for building a Court house at Marlbrough, & for Selling the old

Court house at Mount Calvert being Read, The Question is put whether the Petition shall be Received or not. U. H. J.

Resolved in the Affirmative And that It be Recomended to the Lower House, which is Accordingly so Endorsed and sent to the Lower House by Col° Addison who Returns & Says he Delivered it.

Col John Mackall & five Others bring from the Lower House the foll° message.

By the Lower House of Assembly May the 2nd 1718

May it Please Your Honours

In answer to your Message by Esq^r^ Brooke and three other Members of Your House We have app^td^ Coll John Mackall M^r^ James Lloyd M^r^ W^m^ Turbutt Capt Henry P. Jowles Major Tho^s^ Emerson and M^r^ Nathan^ll^ Dare to Joyn the Members of your House in a Conference on the Representation of the Clergy Who are ready to attend And Desire your Hon^rs^ will be pleased to Appoint the Members of Your House that are to Joyn them and the Time of meeting.

Signed p order
Mic. Jenifer Cl. Lo. House

Whereupon the following message is Prepared. p. 77

By the Uper house of Assembly May 2^d^ 1718

Gent

In answer to your message by Col° Mackall & five others Relating to a Conference on the Represent of the Clergy this house has appointed Col. W^m^ Holland, Col Young, & Col° Addison to Joyn the members appointed by your house at Six of the Clock this Evening in the Library

Signed p order Jn° Beard Cl. Up Ho.

Sent p the Gent Appointed of this house on the Conference.

M^r^ John Fendall & M^r^ John Baker from the lower house with the foll° Engrost bills, viz.

A Bill to Confirm the Last will & Testam^t^ of Elizabeth Devegh dec^d^ &c.

A Bill Reviving an Act of Assembly Entituled an Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. Read & Assented to by that house.

And being Read are Assented to by this House & Philemon Lloyd Esq^r^ Sent to Acquaint the lower house thereof. The

U. H. J. following Message being Prepared is sent to the lower house Viz.

By the Uper house of Assembly.

Gent. May the 2d 1718

Whereas by a Certain Act of Assembly for Ascertaining
p. 78 the bounds of Land within this Province It is Enacted that all Persons who find themselves Aggrieved by the Sentence of any Commrs of and Concerning the bounds of their lands may by Application to his Excy the Governour of this Province Obtain a Como of review to Inquire into and Examine again the Bounds of such land on which the Commrs have Determined so as afd Provided that such Comission be Obtained and Executed within three Months from the time of such Sentence or Judgment as afd now Mr Danl Dullany in pursuance to the Directions of the said Act hath Obtained a Como of Review to Examine the Judgment Sentence or Decree of the Land Commrs of Prince George's County upon a Survey lately made of and Concerning the Bounds of a Certain Tract of Land called and comonly known by the name of Piscattaway Mannor, But so it is that three months so Limitted and Allowed as afd since the Sentence of the Commrs afd will expire on the tenth day of this Present Month of May, And forasmuch as the Assembly now sitting Two Members of this House and Others of this House thought necessary to be at the said Review Cannot well be spared at this Time in Order to do Justice in the Case afd it is proposed that a short Bill be prepared in Your House to allow such Longer time as shall be thought Convenient for the Execution of the Commission of Review afd

Signed p order
John Beard Cl Up Ho.

p. 79 Sent to the Lower House by Phil Lloyd Esqr who Returns & says he Delivered it.

Mr Thos Trueman Greenfield & four others from the Lower House with the following Message Viz.

By the Lower House of Assembly

May 2d 1718

May It Please yor Excy & Honrs

On Reading the Report of the Conferrees appointed to Inspect the Law for ascertaining the Bounds of Land &c. we agree that the Act shall be amended according to the first, third, seventh, eighth & ninth Articles of that Report And as to the second Article we have Agreed that the party who is Desirous to Complain shall Publish his Intentions so to do

Twenty Days before Application made to the Com^rs^ by setting U. H. J.
up notes at the Court House and Parish Church where the
Land lyes and as to the 4^th^ Article we Agree that Notice shall
be given on the day of Complaint to all Persons of the meeting
of the Com^rs^ to be publisht at the Court House and Parish
Church where the Land lyes to the fifth Article we Agree that
the Compl^t^ and Def^t^ may mutually make Choice of three
Com^rs^ to Determine the Bounds of their Land which Choice &
Determination shall be Conclusive without any Review But if
they Cant agree on their Choice that the Comm^rs^ shall proceed
to Ascertain the Bounds from which Judgment an Appeale
is Allowed to Comm^rs^ to be Appointed by the Governour who
are Residents in the County and are to be standing Comm^rs^
to hear all Appeals in such County they belong to. As to the p. 80
Seventh Article we Agree that Two Years time be allowed to
Absent ꝑsons. As to the Tenth Article we agree to Allow
three months time from the End of this Sessions to those
who have lost the Benefitt of their Review on the Act now
in force and have Petitioned this Generall Assembly for
Relief to be Determined in the same manner as that Act
Directs and desire your Exc^y^ and Honours Concurrence with
the Amendments in the Report of the Conferrences and this
Message Mentioned.

Signed ꝑ order
Mic Jenifer Cl. Lo. House

The House adjourns till To morrow morning

Saturday May the 3^d^ 1718

The House meet according to Adjournment

Present as Yesterday

The Bill for Confirming Land to Mary Hall of Talbot p. 81
County being Read the first & second Times will Pass, And
so Endorsed & sent down by Col Addison Who Returns &
says he Delivered it.

M^r^ Tho^s^ Truman Greenfield & M^r^ John Beale with an
Engrost Bill for the Relief of Rob^t^ High & Philip Eilbeck
languishing Prisoners Read & Assented to by that house

And being Read is Assented to by this house, And Col^o^
Addison sent to Acquaint the Lower House thereof

Mess^rs^ Robert Tyler & Alex^r^ Wharfield with the following
Bill Passed by the lower house Viz.

A Bill Supplying Defects in the Conveyance of Land from
Cary Burridge & Cole to Pere: Browne.

U. H. J. A Supplementary bill to the Act for the better Administration of Justice in Testamentary Affaires

His Excellency Offers to this House that for three years past very few Patents have Passed in my Lords Office, That the first Occasion of it was that while M^r^ Carroll had that Office he Refused to Pass any Patents but what were Tested (our Trusty & well beloved Charles Carroll Esq^r^) notwithstanding his Excellency was Comissioned by their Lordships to be Keeper of their Great Seale, That upon his Desiring M^r^
p. 82 Carroll to Explain himself, M^r^ Carroll then sayd half the Fees of the Seales was his Right, And that unless his Excellency wou'd give him half the Fees, he wou'd not Suffer any Patents to Come forth from him, And as very few Patents have Passed since that Time, His Excellency takes it to be a very great wrong to the Lord Baltemore's Office And Injurious to the ꝑsons who had a Right to those Patents And had Paid a Consideration for them, and Prejudiciall to the Keeper of the Great Seale And the Secretary in this Province. All which his Excell^cy^ thinks his Duty to lay before this Hon^r^ble House for their Consideration upon it.

The Question is put whether it is an Aggrievance or not.

Resolved In the Affirmative. And Prayed by this house that his Excy will lay before them what he thinks Proper on this Occasion that it may be Represented to the Lower House as an Aggrievance

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournm^t^

Present as before noon

p. 83 Col John Mackall & two others from the lower house with the foll^o^ message.

By the Lower House of Assembly

May 3^d^ 1718.

May It Please your Honours

We have Read the Report of the Conferrees Appointed to Consult on the Clergy's Representation And agree with them in Opinion that the puting the Ecclesiasticall Laws in force here wou'd be altogether Impracticable and therefore referr the Consideration thereof to Your Honours

Signed ꝑ order Mic Jenifer Cl. Lo. Ho.

Capt James Harris and three others bring up a Bill for Limitation of Actions and for Ascertaining the manner of Takeing the Evidences of Seafareing men, Passed by that House U. H. J.

Cap^{t} James Frisby & Peter Taylor from the Lower House with the Account of Naval Officers Fees &c. Charged by M^{r} Macnemara Naval Officer of Petuxent against David Pulsifer with the foll^{o} Endorsm^{t} Viz.

By the Lower House of Assembly
May 3^{d} 1718

May It Please your Hon^{rs}

If the facts set forth in the Compl^{ts} are True we Concurr with your Hon^{rs} in Opinion that Tis a great oppression and Discouragem^{t} to Trade, And as to the Over Charge of fifteen shill. & eight Pence Currency we are of Opinion that the Compl^{ts} may be Relieved by prosecuteing on the Act of Assembly that Limitts the Navall Officers fees. p. 84

Signed p order,
Mic. Jenifer Cl. Lo. Ho.

Ordered that M^{r} Adam Bell be Imediately Sent for by a Special Messenger to Answer the Complaint af^{d} he having been Ordered to Attend, and is Departed out of Town.

Warrant Accordingly Issued Imediately.

Col^{o} Edw^{d} Scott & three more from the Lower House with the foll^{o} message.

By the Lower House of Assembly

May 3^{d} 1718

May it Please Your Honours

We have taken into Consideration Your Message of Wednesday By Esq^{r} Brooke & Esq^{r} Hall in relation to the Deduction of Eight p Cent on the Eighteen Pence p hh^{d} And on perusall of our Journall of May Assembly 1717 We find by a Message to Your Hon^{rs} of the Eighth of June that we made a Clear State of that Case to which we shall only add that as that mony was raised Conditionally for his L^{pps} use, if he was pleased to Accept thereof and if not for Defraying the Publick Charge so on his Lordships pleasure of Acceptance being signifyed we wholly Resigned our Interest therein for his Lordships use without any Claim of Deduction thereout but must Confess if on his Lordships refusall to Accept it the mony had been applyed to the use of the publick, the Navall Officers would have had a right by Law to Deduct their Sal- p. 85

U. H. J. lary of eight p Cent ag[t] us and Cann[t] alter our Opinions that as his L[pp] Accepted thereof he took it as it was raised under the Like Incumbrances we should have had it in Case he had not Accepted it. But if any dispute be in this part it can in no wise Effect us but lies properly Betwixt his L[pp] and those Officers. Signed p Order

Mic. Jenifer Cl. Lo. House

The House Adjourns till Monday morning.

Monday May 5[th] 1718

The House meet According to Adjournment

Present

Col[o] W[m] Holland	Col[o] Ric[d] Tilghman
Col. Tho[s] Addison	&
Phil: Lloyd Esq[r]	Henry Lowe Esq[r]

p. 86 On Reading the Petition of Hester Smith & Hesther Oldfield the foll[o] Endorsm[t] is Ordered to be made thereon Viz.

By the Uper house of Assembly

May 5[th] 1718

Upon Reading the within Petition this house is of Opinion that the Pet[rs] are Objects of Charity And that by the Corrupt & Malitious Evidence of the psecutors they have suffered unjustly, Wherefore we Referr their Deplorable & unhappy Circumstances being Charged with Great Fees (all of which are Remitted Except the Sherriffs) unto the Consideration of the Lower House of Assembly, and further ppose that after such Abatements are made on the Sherriffs Fees as may be thought Reasonable, the s[d] psons may be sett at large from their Unhappy Confinements at the publick Charge

Signed p order John Beard Cl Up Ho.

Sent to the Lower House by M[r] Lowe who returns and says he D[d] it

A Bill for Limitation of Actions in the several Courts &c. of this Province being Read the following Endorsement is made thereon.

By the Uper House of Assembly

May 5[th] 1718

Read and will Pass with the foll[o] Amendments Viz. That
p. 87 thirteen Months Time be Allowed in the Inferiour Courts,

and Twenty five months in the Superiour Courts Except in Cases where Evidences are wanting from beyond Seas And this at the Discretion of the Judges before whom such Causes shall be Depending And if the Default be in the Prosecutor there to be a Discontinuance, but if in the Defence Judgment for the Plaintiffe. U. H. J.

Signed ꝑ Order John Beard Cl. Up. Ho.

Sent to the Lower House by Mr Lowe who Returns & Says he Delivered it.

Mr Daniel Dulany Produceth to this House a Deputation from Maurice Birchfield Esqr to him to be Collector of the Customs &ca In the District of North Potowmack, And qualifys himself by takeing the Severall Oaths Appointed by Act of Assembly to be taken to the Government

Col Young & John Hall Esqr appear & are added to this House

Messrs Charles Wright & John Baker from the Lower House with an Engrost Bill to Confirm to Mary Hall Certain Lands &c.

Read & Assented to by that House

And being Read is Assented to by this House,

And Col. Addison sent to Acquaint the Lower House thereof

His Excellency Desires that the Law giving One Shilling and Six pence ꝑ hhd to my late Ld Benedict Leonard may be Inquired into In Order to be known what has been Received on that account And how It has been Disposed of he having heard Mr Carroll Received about Sixty pound thereon which he Applyed Towards his own Sallary. p. 88

Thereupon the following Message is prepared Viz.

By the upper house of Assembly

May 5th 1718

Gentlemen.

His Excy reminding us of the Act made in June 1715 for Continueing the payment of 12d ꝑ Hhd from the Death of Charles late Ld Baltemore to the 29th Sepr following,

We think it Convenient that you should Inquire into the Disposition of such Monys as have been raised upon Account of that Duty of 12d ꝑ hhd that it may be discovered whether any part & how much may Belong to the Publick of this ꝑvince seeing that by the Terms of the Act afd it was Concluded that if his Lpp would not accept of the 12d ꝑ hhd afd as a Consideracon for taking his Quit Rents in Tobo at 2d ꝑ lb.

U. H. J. that then all such mony so raised should be applyed to the Use of the Publick of this Province

Signed p order
John Beard Cl Up Ho.

p. 89 Sent to the Lower House by Coll Holland who return and say they delivered it

The following message being Prepared is sent to the Lower House Viz.

By the Uper House of Assembly.

Gent. May the 5th 1718

Forasmuch as his Excellency has laid before this House as an Aggrievance that for three years past there has but very few Patents come forth of Mr Carroll's Office, to the prejudice of those who have paid for the drawing the same, And John Beale Esqr one of the Members of your House knowing something thereof Desire leave of your house for the said Mr Beale to Attend this House to inform us therein

Signed p Order John Beard Cl. Up Ho.

Whereupon Mr Beale Appearing is asked by his Excy what Answer Mr Carroll gave him when he asked him what was the Reason of his not giving out the Patents, And Declares Mr Carroll answered he would not give them out unless He was paid for them as Usuall.

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment. Present as before noon

p. 90 Col James Maxwell and two others from the Lower House Bring up a Bill for Removeing the Court House from Charles Town in Prince Georges County And for building a Court house for the sd County at Marlbrough and for makeing Sale of the old Court House & Prison

Passed by that House

It is Offered by his Excellency that Mr Thomas Macnemara be sent for to know if he has any thing to Offer on that Letter Dd him by the Clerk of this House from their Lordships or not.

Resolved he be sent for.

Which being Accordingly done and the sd Mr Macnemara appearing his Excy proposes to him the Questions foll° to which the sd Macnemara makes the Severall Answers foll° viz.

Ques. M^{r} Macnemara, I sent you a Letter by the Clerk of this House which was Inclosed to me from the Right Hon^{r}ble the Lords Guilford & Baltemore Have you received that Letter? U. H. J.

Answer. I have

Q: Have you any thing to offer me by the Comand of their Lordships?

A: I have nothing to Offer, but their L^{dps} lets me know that your Excy was to make Proposalls to me

Q: Have you made any applications to me since you received that Letter? p. 91

A: I have not.

Q: Have you any to make at this Time

A: I have not.

His Excy says he takes this to be a further Confirmation of his Obstinacy & Contumaciousness he then makes no Offers of his Submission, on the Order of his Suspension in the Chancery Court, Notwithstanding their Lordships have Approved that Suspension by their Letter to his Excellency. Which his Excellency is pleased to lay before this House, together with a Copy of their Lordships Letter to M^{r} Macnemara Viz.

S^{r} London Feb. 4th 1717

Having Rec^{d} yours of October 22^{d} we shall here Confine ourselves to answer that Part of it only w^{ch} Relates to Your Suspending M^{r} Macnemara from his Practice in the Chancery Court.

We have taken into our Consideration your Order of Suspension and Likewise M^{r} Macnemara's Pet^{o} and your Answer to it we have also Considered the Journalls of our Councill in this Affair together with their Letter to us. And upon the whole we Intirely Agree with the Opinion of our Councill that you had good Reason to Suspend him as you Did till he had made his Due Submission: And we have Determined that the said Suspention Ought not to be taken off untill such time as he had made a Due Submission to you in such Terms and manner as you by the Advice of Our Councill shall think proper for him to do. p. 92

The Inclosed directed to our Councill is an Answer to theirs on this Subject, And that to M^{r} Macnemara is an Answer to his both which you will Deliver in such Manner as you think most proper.

We shall enlarge no further on this Occasion but to Express the great Satisfaction we have to find how well my Lord

U. H. J. Proprietaries Just Authority is Preserved and Guarded under Your Administration.

We are S^r^
Your most Humble Serv^t^
Guilford
Baltemore

Their Lordships Letter to M^r^ Macnemara is as foll^s^ viz.

S^r^ London Feb^r^ 4^th^ 1717

p. 93 We are sorry to hear that the Obligations laid on you by the hands of our Gov^r^ in the Navall Office of Patuxent has not the Effect we could have wished But that you Continue to Carry on Either of YourSelf or by Contrivance of Others the old Animosity you had ag^t^ him by Entering into new Schemes and Projects as much as in you Lies to Blemish his Reputation.

But that which mŏre Immediately concerns us is that you should pay so Little regard and Respect to the Authority of the Proprietary in the ꝑson of his Keeper of the Great Seale of the Province Sitting in the Chancery Court as we find you have Done by the Perticular ffacts sett forth in his Answer to Your Petition for which He has as we Think very justly Suspend'd you from your Practice there (the Cases of the Crown only Excepted) till you make Your Due Submission

As we have Considered the Order for Your Suspention your Pet^n^ thereon and the Gov^rs^ Answer to it together with the ꝓceedings of our Councill upon his Acquainting them with what he had Done therein from whence amongst Other Things We Perceive this is not the first Time you have Brought yourSelf into the same Condition tho' for your Own sake we hope it will be the Last so we have duly weighed your Complaining Letter and the Certificates there Inclosed And upon the whole have Determined you Ought to make a due Submission in Court before you are restored to your
p. 94 Practice there in such Terms and manner as the Keeper of our Great Seale of the Province shall Prescribe which in Your Letter you tell us you will do if we Conceive you Ought w^ch^ we do Conceive you Ought And the rather Because we are willing the People of our Province should reap the Benefitt of that Capacity and Abilities your Enemies allow you to have to serve the Clyents.

The Request you have made us in Your Letter and by M^r^ Coleman to Grant you a Licence to Execute the Navall Office by a Deputy or Serv^t^ in your Absence, is by no means what we approve of and as you have Taken an Oath to Execute it

in your Own ꝑson we think you Ought to do it Accordingly U. H. J.
which is agreeable to the Instructions we sent on Account of
our Shipping Duties, And if it does not Correspond with Your
other Affairs so to do, we are Sorry for it, which Concludes us

S^r^ Your Humble Servants

G.
B.

It is thereupon moved by one of the Members of this house that so many of the Judges of the provinciall Court as are here Present may give an Account in Writeing of all the Affronts & Indignities that now occurr to their memorys which the said Macnemara has Offered to them in the Execu- p. 95
tion of their Office which Relation may Serve as a Rule for a further Proceeding of this House

Whereupon the Gentlemen Justices of the Prov^l^ Court here Present lay before his Excellency And this House their Representation as follows.

To his Excellency and the Uper & Lower Houses of Assembly

The humble Representation of the Justices of the Prov^l^ Court

Humbly sheweth. That M^r^ Macnemara a Pract^r^ of the Law in the Provinciall & other Courts in this Province is a Person of such a Turbulent, Refractory Haughty & Abusive temper, that It hath been his comon Practice (when his Circumstances would any wise support him) to despise Affront & contemn the Authority of the Justices of such Courts Especially that of the Provinciall for which he hath been heretofore Suspended And upon his Humble Petition Seting forth the Acknowledgments of the Offence and solemn Promises of Regulateing his behaviour for the future he hath been Restored, which the Records in this Province do manifestly make Appear. That notwithstanding his former Submission he has Repeated his Insolent & Contemptuous behaviour by upbraiding the Chief Justice of the Prov^ll^ Court with Partiality and p. 96
even Dareing the Court to ꝑceed or give Judgment Contrary to his Sentiments And Particularly at a Speciall Court of Oyer and Terminer and Goal Delivery for the Tryal of certain Delinquents upon Bills of Indictment found ag^t^ them for firing the Great Guns at the City of Annapolis on the Pretenders Birthnight, where in the Face of the whole Court and in Order to run down and Decry the Jurisdiction thereof and to Intimidate the Judges who denyed the Allowance of a

U. H. J. Writt of Certiorari for Removing the said Indictment into the Pr[ll] Court he there Audaciously and with an Insulting Air, Sayd, let me see who dares try them by this Comission in fine the Whole Course of his Life is so Turbulent and Disorderly that he hath very rarely been Clear of some Criminall Prosecution or other in the Provinciall Court for many Years of Some of which he hath been Convict of Altho his Artfull and Audacious Managem[t] of the Subtile and Tricking Part of the Law hath Acquitted him from many more which with as much Justice he Deserved Punishment for. That in many more Instances too tedious to Insert the said Macnemara hath Behaved himself with Insolence and Contempt, all which the Sev[ll] Justices after some Resentments have past Over in hope of his Reformation but such is his Intolerable Pride and Insolence that of Late he has not Scrupled to Insult and affront his Excy Both as Gov[r] & Keeper of the Great Seale as may Evidently Appear from Two Indictments found ag[t] him
p. 97 by the Grand Jury for this ꝑvince And now Depending in that Court and his Reason for his Suspention in the Chancery Court of which their Lordships have been Impartiall Judges. That since their Lordships Determination and Comands has no Effect upon his proud and Turbulent Spirit we who have the Honour of his Lordship's Comm[n] Dispair of puting the Laws in due Execution for Punishm[t] of Vice or maintenance of Virtue and Justice without being the mark of his scorn & Revenge which rather than be Liable to we again declare it to be our firm Resolution that we will no Longer Continue in that Station if so Turbulent and Insolent a ꝑson be allowed to Practise before them.

W[m] Holland
Sam[l] Young
Tho[s] Addison
Rich[d] Tilghman

The following message is Prepared to be sent to the Lower House Viz.

By the Upper House of Assembly

May the 5[th] 1718.

Gent His Excy having Offerred to this house that for three Years last Past very few Patents have Issued out of my Lords Land Office And that the Occasion thereof was that M[r] Charles Carroll would not Pass any Patents but what bore Test, our Trusty and well beloved Charles Carroll Esq[r] His Lordships Chief Agent for land Affairs, Which being highly Derogatory to the Office of the Keeper of the Great Seale of this Province, his Excy did not think it Adviseable to Consent

thereto, M^r^ Carroll also refused to Issue out any Patent's unless he might have one half of the ffees of the Seales Notwithstanding that the Seale was by their Lordships Especiall Order taken out of his hands and Lodged with the Gov^r^ as Keeper thereof by which means very few Patents have Issued out of the office since that time to the very great and manifest Prejudice of many the Good People of this Province who have Long since paid the ffees of the said Patents as we have been Informed, U. H. J. p. 98

We therefore Recomend this matter together with the Inclosed Cert to the Consideracon of Your House as a Publick Aggrievance of the whole Province.

Signed p order
Jn° Beard Cl. Up. Ho.

Sent to the Lower House by Esq^r^ Hall who returns and says he Delivered it.

M^r^ James Lloyd & M^r^ Jn° Fendall from the Lower House with the foll° message Viz.

By the Lower House of Assembly

May the 5^th^ 1718

May It please yo^r^ Hon^rs^ In answer to Your Message of this day by Esq^r^ Hall, As to M^r^ Carroll's insisting on the Patents Issuing forth in the Stile therein menconed We agree in Opinion that the same is highly Derogatory to the office of Keeper of the Great Seale, and Likewise that his refuseing and Delaying to Issue the Patents where the People had taken the Proper Methods Towards the Obtaining them unless he was to be paid one half of the Fees of the Seale is a manifest Prejudice as well to my Lord in Discouraging the Cultivacon of his Lands as to the People in hindring them from making their proper Improvements, and Observe that if M^r^ Carroll has received the Fees where he has not made Out the Patents the People may have their Remedy ag^t^ him at Comon Law. p. 99

Signed p order
Mic Jenifer Cl. Lo. House

The House Adjourns till To morrow morning

Tuesday May the 6^th^ 1718.

The House meet according to Adjournment.

Present as yesterday

The Petition of Dominick Kenslaugh of Kent County a Languishing Prisoner being Read in this House is referred to the Consideration of the Lower House and so Endorsed. p. 100

U. H. J. The Bill for supplying Defects in the Conveyance of Land from Cary Burridge & [Cole] to Peregrine Brown

Read the first and Second times by especial Order will Pass and so Endorsed, both Sent to the Lower House by M^r^ Lowe who returns and says He Delivers them.

A Bill for Removing Prince Georges County Court house &c. Read and passed and so Endorsed and sent Down by Coll Thomas Addison, who returns and Says he Delivered it

The Petition of M^r^ John Steel being read is Endorsed as follows.

By the Upper House of Assembly

May the 6^th^ 1718

Gent. The Petition being recomended to his Excy ffavour by Gent of worth and Honour who by their Stations are in a Capacity of Doing Perticular Services to this Province at the Time of any Emergency His Excy Joyns with this House in Representing the Petitioner as a proper Object of Your Consideration upon his Prayer for an Indulgence ag^t^ the Act of Assembly that unqualifies persons for the enjoyment of any
p. 101 Office within this Province till they have been three years residents in it.

Signed ꝑ Order John Beard Cl Up House

The Petition of the Vestry of St. Anns Parish Being read in this House the Consideration thereof is left to the Lower House and so Endorst, And Coll Tilghman sent to the Lower House with them, who returns and says he Deliver'd them

Col John Mackall & two others from the Lower House with a Report of the Comittee of Aggrievances as foll, with a message from that House Viz.

By the lower house of Assembly

May 6^th^ 1718

May it please yo^r^ Hon^rs^. On reading the within Report of the Comittee of Aggrievances this House Concurrs therewith and Desires your Hon^rs^ Opinion whether the same is not a very great Grievance and whether Your Honours will be pleased to Joyn with us in an Address to his Majesty for the ꝑventing the like Aggrievance for the future

Signed ꝑ Ord^r^
Mic Jenifer Cl Lo: House

Monday May the 5th 1718 U. H. J.

Att a Comittee of Aggrievances Held at the House of Mrs Mary Dodd.

Were Present

Mr Robert Tyler Chairman p. 102

Mr Charles Wright | Capt Daniel Marriartee
Coll° Nathll Hynson | Capt. Thomas Dent

Who the same Day represent it as an Aggrievance that a great Number of the Inhabitants of this pvince have been Subpa to appear at the High Court of Chancery to answer the Bill of Complaint of Maurice Birchfield Esqr upon a Suggestion that they were Indebted to a Certain Jn° Goodwin and Other merchts in London before making any Demand or giving Notice of such their Claim some of Which never had any Dealings with the merchants they are Charged Debtors to. Others have Been Large Creditors instead of Debtors and many that were Debtors did by the said Merchts Own Accounts owe but very small and Trifling Sums short of Six pounds which by the Laws of the land are not cognizable in the Chancery Court notwithstanding which such psons have been Obliged to make answer and Defend their Suites to their great Expence and neglect of their Business in Attendance of Courts And when on a hearing the greatness of their Oppressions by such severe psecutions have been made appear they have been Dismissed the Court But Could not recover no Costs agt the said Birchfield Because of his Acting on Behalf of the Crown Altho the p. 103 Trouble and Charge of such Defence might have been saved to the People in case the said Birchfield or his Attorny had not Proceeded after so uncommon and immethodical a manner against the sevll Defendts without Demand or notice sevll of them having Declared in their Answers upon Oath that they were never Demanded by the said Maurice Birchfield Esqr or any Other on her Majestys Behalf to give any Account of the Matters in the Bill untill they were served with Subpa to answer the same of which they declare the said Maurice Birchfield might have had the utmost Satisfaccon they were able to give upon Subpa to testifie or request made without being put to the unnecessary Charge to Answer the same

It is therefore the Humble Opinion of this Comittee that the said Maurice Birchfield Esqr or others Concerned in the pscution afd have made an undue Use of his Majestys Name and Authority to the Oppression of his good Subjects here and that such Proceedings could never be Agreeable to the Design of the Trust reposed in him or them

Signed p order
Philip Hammond, Cl Com

U. H. J. p. 104 Col James Maxwell and two others from the Lo: house with the foll° message Viz.

By the Lower house of Assembly

May 6th 1718

May it Please your Hon^rs

Wee agree with Your Hon^rs Opinion on the Endorsment on the Bill for Limitacon of Actions &c. Save that nineteen months are thought suff^t for the Continuance of any Action in the Prov^ll or High Court of Appeals, and farther we begg Leave that a Clause may be Added to that Bill whereby in Cases of rehearing or Reviews upon the Decrees of the Chancery Court the Members of the Councill may be Joined with the Chancellor or Keeper of the Great Seale for the Time being to Sitt as a Court of Judicature and have a Voice in the Passing Decrees or other Sentences on such Rehearing or Reviews

Signed p Order
Mic. Jenifer Cl. Lo: House

On Reading whereof his Excellency is Pleased to say he has no Directions from their Lordships about the Joining the members of the Councill with the Chancellor, And that without their particular Orders therein he Cannot Consent to any such Clause

p. 105 And the Question being put whether this House agrees to that message or not

Resolved in the Affirmative as to the nineteen months time Allowed in the Prov^l Court and high Court of Appeals, But in the negative as to the Allowing the Councill to have a Vote on Rehearings and Reviews in the Chancery Court

On Reading the Report of the Conferrees on the Land Law And the message of the Lower House thereon the following Message is Prepared Viz.

By the Uper house of Assembly

May the 6th 1718

Gent. On Reading the Report of the Conference on the Land Law And your Message thereon We concurr with your House therein with this Difference that there be no Appeal to Comissioners of Review but that nine Comissioners being men of the best Reputation in the Counties for ascertaining the bounds of Land in Each County be Appointed that Contending Parties may have the better Choice of such and so many of them as they shall Approve of to Determine their Controversies not being less than three whose Determination shall

be finall, but if any ꝑson shall be Obstinate and not agree upon a Choice then the Major part of the Commissioners to ꝓceed to Determine the bounds in dispute from whose Determination there shall be no Appeal but to England where the matter in Controversy amounts to the Value of three hundred pounds sterl of which the said Comissioners are to be Judges. U. H. J. p. 106

Signed ꝑ Order John Beard Cl Up Ho.

Sent ꝑ Col Tilghman and M^{r} Lowe who return and say they Delivered it

Capt Daniel Mariartee and one other bring from the Lower House a Bill for the Relief of severall poor Prisoners therein Contained

Passed by that House And being Read is Passed by this And so Endorsed And sent down by M^{r} Henry Lowe who Returns and Says he Delivered it.

The House Adjourns till Afternoon

Post Mediem

The House meet According to Adjournment

Present as before noon

M^{r} Tobias Pollard and two others from the Lower House with the foll^{o} Engrost bills Viz.

A Bill for supplying Defects in a Conveyance of Land from John Cary John Burridge & Geo. Cole to Pere: Browne Merch^{t} Dec^{d}

A Bill for Removing a Court House from Charles Town in Prince Georges County, and for the building a Court House for the said County at the Town of Marlbrough in the said County, And for makeing Sale of the old Court House and Prison p. 107

Both Read and assented to by that House And being Read are assented to by this And John Hall Esq^{r} Sent to Acquaint the Lower House thereof.

M^{r} Robert Tyler & M^{r} John Ward from the lower House with the following message

By the Lower House of Assembly

May 6th 1718

May It Please Your Excy & Hon^{rs}

On Reading and Considering the Petition of Thomas Cook referred from the upper House And also upon Viewing the Work done to the Magazine for Armes, We find that he has Expended much more than what was to be paid him by the

U. H. J. Originall Contract. We have Resolved that the Sume of One hundred pounds Sterl more than what is allready raised be allowed and Paid to the said Cook at the finishing the said Magazine out of the three pence ꝑ hh[d] for Armes &c with which we Desire your Excellcy and Honours Concurrence.

Signed ꝑ order Mic Jenifer Cl. Lo. Ho.

p. 108 In answer whereto the foll° message is prepared Viz.

By the Up[r] Ho of Assembly

May the 6[th] 1718

Gent. On Reading Your Message by M[r] Rob[t] Tyler & M[r] John Ward we perceive that you have made a Computation of the Value of the Workmanship of the Magazine built by Thomas Cook and that you have Resolved that he shall have One hundred p[ds] Sterl more for finishing the same this House Desires you to Acquaint them whether he made any propositions to you of what work yet Remains unfinisht that we may see whether It be Agreeable to the bargain Already made, but if you have done nothing therein It Remains in his Excellency to Come to a Positive Determination with him what further workmanship is yet to be ꝑformed for the finishing the said magazine before the mony be Ordered him

Signed ꝑ order
John Beard Cl Up Ho.

Sent ꝑ M[r] Henry Lowe who Returns & Says he D[d] it

Col Edw[d] Scott & M[r] Nath[l] Dare from the Lower House with a Bill for Qualifying John Steele of the City of Annap-
p. 109 olis Esq[r] to hold Offices within this Province. Passed by the Lower House

M[r] James Lloyd and M[r] Tho[s] Waughop from the lower House with the following message Viz.

By the Lower House of Assembly

May the 6[th] 1718.

May it Please your Honours.

His Excy having represented to this House by his Account that there still remains due to him the sum of One Hundred and Three pounds Eight Shillings and nine pence sterl part of the five Hundred and fifty pounds Sterling Ordered to be Expended in Building a magazine, Desires that the Treasurer may be Ord[d] to pay him that Sume, But for that the said Ball is to be paid out of the three pence ꝑ hh[d] which by the Direction of the Act of Assembly is to be Disposed of as his Excy

and Hon^rs^ shall Direct, We therefore Humbly Desire that U. H. J.
Your Hon^rs^ be pleased to Order the Payment of the Ballance
af^d^ to his Excy in such Manner as You shall think fitt.

Signed p Ord^r^
Mic. Jenifer Cl Lo House

On Reading whereof, It is Ordered that the Treasurer of
the Western Shoar Pay unto his said Excellency the said Sum
of One hundred and three pounds Eighteen Shillings & nine p. 110
pence Sterl out of the mony Raised by the duty of three pence
p hh^d^ for Armes.

M^r^ James Frisby and M^r^ William Young with the foll^o^
Message Viz.

By the Lower House of Assembly

May the 6^th^ 1718

May it Please your Honours.

By M^r^ Cookes Gen^ll^ Computation the ffinishing the Maga-
zine as it Ought to be Workmanlike would amount To Two
Hundred pounds Currency more than he was to have by the
first Bargain, we therefore considering the Bargain was
somewhat hard on his Side and Desired his Excy and Your
Honours Concurrence in Allowing him One hundred pounds
Sterl. more to make him a recompence. M^r^ Cook has not
made any Perticular Propositions to us of what work re-
mains to be finished. Therefore we wholly referr that to his
Excy to Determine And to Order the payment of the mony on
the finishing the Work.

Signed p Order
Mic. Jenifer Cl. Lo. House

On Reading whereof, Ordered that the Treasurer of the p. 111
Western Shoar pay unto his s^d^ Excy John Hart Esq^r^ Gov-
ernour the said Sume Of One hundred pounds Sterl. out of
the mony Raised by the Duty of three Pence p hhd. on Tobacco
for Armes to be applyed towards paying the said Cook for
finishing the s^d^ building.

The House Adjourns till to morrow Morning

Wednesday May the 7^th^ 1718.

The House meet according to Adjournment

Present as Yesterday

Read a Bill for Qualifying John Steel Esq^r^ to serve in
Offices within this Province &c. which is Passed by this house,

U. H. J. and so Endorsed And sent to the Lower House by Col° Young who Returns & says he Delivered it.

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as before noon.

p. 112 A Bill for Reliefe of Sundry Poor Prisoners in Ann Arundell County being read is Endorsed as follows

By the Upper House of Assembly

May the 7th 1718

Read the first time And this House thinks it unreasonable that Dominick Kenslaugh and Mary Creagh should be Discharged from any Other Debts than those they are now in Prison for. And we further Observe that it is But Reasonable the Shērr should have recompence for finding the within named Prisoners Victualls since their Imprisonment which we leave to the Lower house to Consider of.

Signed p Order
John Beard Cl Up Ho.

Sent p Coll° Addison who returns and says he Delivered it. William Bladen and Robert Ungle Esq^r^ Two Naval Officers being called in his Excy Asks them whether they oblidge the Masters of Ships or Vessells to Take any Certain number of Permitts. They Answer they do not. But make out and Charge for as many as the Masters of Ships and Vessells require of them and no more.

p. 113 M^r^ Adam Bell of S^t^ Mary's County who acted for M^r^ Thomas Macnemara as Naval Officer of Petuxent having been sent for by the Serjeant at Armes, to appear to answer his Contempt for departing out of Town when he was Ordered to attend to answer the Complaint made by Capt Pulsifer of Injustice done him by M^r^ Macnemara in his Account on his Clearance &c. the said M^r^ Bell Appears.

His Excy acquaints him of the Injustice done to Cap^t^ Pulsifer in Charging Exorbitant Fees in that Account, And that he has Unjustly taken from him the 20 p C^t^ on his Liquors which the Law Allows him

Ordered That the said M^r^ Adam Bell Pay unto M^r^ George Valentine Serjeant at Armes the Sume of forty shillings Curr^t^ mony adjudged to him by this House for his Fees for fetching

the said Bell to appear here for his Contempt being four Days at Ten Shillings p Day. U. H. J.

Resolved that Thos Macnemara Esqr Naval Officer has taken Exorbitant fees from Capt Pulsifer and that the sd Pulsifer hath his Remedy at Law against him for the same

The following Message being Prepared by this House is sent to the Lower House Viz.

By the Upper House of Assembly p. 114

May the 7th 1718

Gent. Mr Thomas Macnemara having been sent for by his Excy to Appear before this House to know whether he has any thing to offer on a lettr sent him by the Lord Guilford and Baltemore Inclosed by their Lordships to his Excy And Being asked by his Excy whether he had any thing to offer him by the Command of their Lpps, sayd He had not. But that their Lordships lett him know his Excy was to make Proposals to him and being further asked whether he had made Application to his Excellency since He had recd that Letter, Answered he had not which his Excellency says he takes to be a further Confirmation of his Obstinacy and Contumaciousness he then makeing no offers of his Submission on the Order of his Suspention in the Chancery Court Notwithstanding their Lpps have Approved that Suspention by their Lettr to him on Reflection whereof this House take into Consideration Mr Macnemara's Behaviour to his Excy in Perticular not only By affronting as Govr and Chancellor which may Appear by Two Indictments found agt him in the Provll Court of this Province but Endeavouring to get him moved from his Government which he had the Confidence to Own to his face in the Court of Chancery He had done to the utmost of his Power, But also to the Govr and Councill comparing them and their pceed- p. 115
ings to the Spanish Inquisition, And the Contempt and the Indignity which he had frequently offered to the Provinciall and other Courts in this Province in the Speciall Court of Oyer and Terminer for the Tryall of those psons Apprehended for firing the Great gunns on the Birth night of the Pretender He said lett me see who dare try them by this Commission or words to that Purpose having offered a Certiorari to Remove it to the Provll Court for Allowance which was Denyed. This House thinks themselves Obliged in Justice to his Excy's Character and for Encouragment and Support of the magistrates in the Distribution of Justice to declare the said Mr Macnemara a Contemner of Authority And a Disturber of the Peace & Tranquility of the Good People of this Province And therefore Earnestly recomend it to You

U. H. J. to Consider whether it may not be adviseable to Disable the said Macnemara from Practising the Law by Bringing in a Bill or otherwise as in Your Discretion shall seem Proper for Preventing him in the Comission of the like Enormities

We send you herewith severall Papers relating to this Affair which we hope will give You full Satisfaction therein

Signed p Order
John Beard Cl. Up. Ho.

Sent to the Lower House by Col° Holland Col Young Col Addison & Col Tilghman, who Return & say they D^d it.

p. 116 Capt Daniel Mariartee & M^r Peter Taylor with a Bill for Relief of sundry poor Prisoners in Ann Arundell County with the foll° Endorsement Viz

By the Lower House of Assembly.

May the 7^th 1718.

On reading your Endorsment on the within bill this House are well Informed that the Prisoners therein Mentioned have not any thing wherewith to pay their Debts and that to Discharge them only from the Debts they are now in Prison for And Subject them to be Taken and arrested again for other Debts Owing from them would be a Partiall pceeding and an Apparent Injustice to those at whose Suit the Prisoners are now in Custody and as to the sherriffs Fees this House are Unwilling to Burthen the Publick with the payment of any of them least by that means other Sherriffs for the future may Claim the Like on Prisoners being Discharged by the Legislature, and we further Observe that tis not a greater Injustice to the Sherriff to loose his Fees than the Creditors their Debts

Signed p Order
Mic. Jenifer Cl. Lo. House

p. 117 Which being Read and Considered is Ordered to be thus Endorsed Viz.

This Bill Read again will Pass. But It is Earnestly Recomended to to the Goaler for his Trouble & Charge in victualling those who have been kept in Close Custody, which is Intirely at his own Charge & Risk.

Signed p order John Beard Cl. Up. Ho.

Sent p Col° Holland who Returns & Says he D^d it.

Col Edw^d Scott & M^r Tobias Pollard with an Engrost bill for Qualifying John Steele of the City of Annapolis Esq^r to hold Offices within this Province.

Read & Assented to by the lower house U. H. J.

And being Read is Assented to by this house and Col° Young sent to acquaint the lower house thereof.

John Beale Esq^r & two others with a Bill Declareing the Rights of three Lotts Originally laid out in Annapolis for the uses therein mentioned

Passed by the Lower House

Read in this house the first time and will Pass and so Endorsed & sent down by Col Young who Returns & Says he Delivered it.

Col° Ja^s Maxwell & M^r Tho^s Emerson from the Lower house with the foll° Message Viz.

By the Lower House of Assembly

May the 7^th 1718.

May It Please Your Hon^rs

Pursuant to your message of the 5^th Instant relating to the p. 118
Continuing of the payment of the 12^d ꝑ hh^d by the Act made in June 1715 till the 29^th of September following We did yesterday send for M^r Charles Carroll late Agent for the Prop^ry of this Province At the Time of the making that Act who Appeared before this House And Being Demand'd to give an Account of the Disposition of that duty & whether the Lord Benedict or his Ex^rs ever Accepted or Signified their Intentions to Accept thereof on the Consideration it was raised he Promised to send his Answer thereto in writing this day, and Thereupon sent us the annexed Answer whereby your Hon^rs may perceive how farr that 12^d ꝑ hh^d has been Accepted & how applyed.

As to M^r Carroll's Intimating the rents Being attacht in mony it was a thing unaskt from him for we are well Assured that the Person for whose use those Rents were Attached never Designed any thing But what was Hon^ble as may Appear by Publick Letters to the Sev^ll Sherriffs for that Purpose And believe none of the ꝑsons whose Rents were so Attached will sustain any Damage on that Account.

Signed ꝑ Order
Mic Jenifer Cl. Lo. House

To the Hon^ble House of Delegates now setting p. 119

In Obedience to Your Honours' Directions requiring me to give your Honours what Information I was capable of in relation to the late Lord Benedict of his Ex^rs Acceptance of the 12^d ꝑ hh^d w^ch was continued by an Act made in June 1715

U. H. J. untill the 29th Sepr following, And was to be paid to the said Lord Benedict on the same Consideration

I Do Certifie hereby unto your Honrs all that Occurs to me upon that Subject, Viz. That the Lord Benedict dying soon after his Father Could have no knowledge of that Law and therefore could neither have Declared his Acceptance or refusall thereof that the 12d raised by Vertue of that Law has been by me remitted for England and such ꝑportion thereof as became Due since the Death of the Lord Charles And untill the Death of the Lord Benedict has I verily believe been accounted for to the Exrs of the said Lord Benedict an Exact Computation thereof being by me laid before the Exr of the said Lord Charles And the ꝑsent Lord Baltimore.

That the Exr of the said Lord Benedict has fully impowered me to receive and take into my hands all the ꝑsonal Estate whatsoever that was of the said Lord Benedicts in this ꝑvince at the time of his Death And Pursuant thereunto I thought it Just and reasonable to Accept of the half years rent due to the Lord Benedict in Tob° at 2d ꝑ lb & have recd some small part thereof at the same rate and shall Continue to receive the remainder in like manner because the Consideration for so
p. 120 Taking it (Viz the 12d ꝑ hhd) was by me recd remitted and accounted for, for I should think it a great hardship that the Consideration mony should be paid by the Country & trade and the Condition of the said Consideration not ꝑformed I believe the Hon̄ble House is sensible that a great many of the Inhabitants of this ꝑvince by Attachments Condemnations and Executions have been Compelled or are like to be to pay the Rents in mony According to their Patents whereby they have no Benefitt of the 12d so as afd paid how agreeable to equity and Justice is Submitted to Your Honrs prudent Considerations by your

Honrs most Humble &
most Obedt Servt
May the 7th 1718 Charles Carroll.

The following message being prepared is sent to the Lower House

By the upper house of Assembly

Gent. May the 7th 1718

On reading of yesterdays Message by Coll Maxwell & two others his Excy observes to this House he has no Direction from their Lpps abt the Councill's being Joyned to the Keeper of the Great Seale for the Time Being to sitt as a Court of Judicature And have a Voice in passing Decrees or other

Sentences on Rehearing or Reviews And that without their L^pps^ Particular Instructions therein he Cannot Consent to it, And on the Question whether that message shall be received or not this House concurrs with Limitting Acons in the Prov^ll^ Court And high Court of Appeals to nineteen months, But Cann^t^ agree to Adding the Clause therein Proposed Concerning the Chancery U. H. J.

Signed p Order John Beard Cl Up House

Sent to the Lower House by Col Young, who Returns and Says he Delivered it. p. 121

The House Adjourns till to morrow morning

Thursday May the 8^th^ 1718

The House meet according to Adjournment

Present as yesterday

Resolved that the following message be sent to the Lower House Viz.

By the uper house of Assembly

May the 8^th^ 1718

Gent. We think it very Expedient that the Transactions of this Sessions shou'd be set in a true light before their Lordships which we propose to be done by way of Representation to their Lordships from both Houses with which if your House Concurrs, we Desire you'l Appoint some of your members to be Joined with some of our House in a Conference for the Drawing thereof, And that It may be Transmitted to their Lordships Inclosed in a Letter to our Agent.

Signed p order John Beard Cl Up Ho.

Sent by John Hall Esq^r^ & Henry Lowe Esq^r^ who Return & say they D^d^ it

Col Edw^d^ Scott & M^r^ W^m^ Turbutt from the Lower House with the foll^o^ Engrost bills Viz. p. 122

A Bill Declaring the Right of three Lotts Originally layd out in Annapolis for the uses therein mentioned.

A Supplementary Bill to the Act for the better Administration of Justice in Testamentary Affairs &c. Read and Assented to by the lower house and being Read are assented to by this house & Phil Lloyd Esq^r^ & Ric^d^ Tilghman Esq^r^ sent to acq^t^ the Lower House thereof

U. H. J. Cap[t] Daniel Mariartee & three others from the Lower House with the foll° message viz.

By the Lower House of Assembly

May the 8[th] 1718

May it Please Yo[r] Hon[rs]

We agree in Opinion with Your Hon[rs] that It is very necessary to sett the Transacons of this Sessions in a true light before their L[pps] and have therefore Appointed Cap[t] Dan[ll] Marriartee W[m] Turbutt & M[r] James Lloyd & M[r] John Beale to Join such of the members of Your House as shall be Appointed in a Conferrence on that Occasion who are ready to Attend and Desire Your Honours will Be pleased to appoint the time and Place of Meeting

Signed p Order
Mic Jenifer Cl Lo Ho.

p. 123 Resolved that Phil Lloyd Esq[r] & Col Rich[d] Tilghman be Joyned And that the following Message be Prepared in Answer thereto

By the Upper House of Assembly

May the 8[th] 1718

Gent. We have Appointed Phil: Lloyd Esq[r] & Col Rich[d] Tilghman to Joyn the members of Your House on the Conference by Your Message by Cap[t] Marriartee & three others who are now ready to Joyn them at the house of M[rs] Dodd

Signed p Order
John Beard Cl Upper House

Sent p the Gent Appointed.

Proposed that His Excellency be Allowed Six Hundred pounds of Tob° for Copy of the Laws made this Sessions for the sev[ll] Countys and for One to the Prov[ll] Court

Thereupon the following Message is Prepared Viz.

By the Upper House of Assembly

May the 8[th] 1718

Gent.

We having Taken into Consideration the Allowance to be made his Excy by the sev[ll] Counties of this Province for a Copy of the Laws made this Sessions,

Proposed Six Hundred pounds of Tob° is a suitable recompence to be made His Excy for Each Body to the Countys

and for One to the Prov[ll] Court there being fewer Laws made this Sessions than for Two years past, With which we desire your Concurrence U. H. J. p. 124

Signed p Order
John Beard Cl. Up. House

Sent Down p M[r] Lloyd and Coll Tilghman who returns and Says they delivered it

Resolved that the Clerk of this House have the same Fees on Private bills made this Sessions as are Allowed by the Lower House to their Clerk

Coll Jn° Mackall with four others from the Lower House with an Act Ascertaining the Bounds of Land within this Province Passed by the Lower House. Being read in this House will pass And so Endorsed & sent Down by Esq[r] Hall who returns and Says he Delivered it.

John Beale Esq[r] & Two others with a bill for settling all Disputes Concerning the Boundary of sev[ll] Lotts within the City of Annapolis &c Passed by the Lower House and Being read in this House is Endorsed as follows

This Bill being read will Pass with the following Amendments viz. That the twenty lotts to be laid out be to the Eastward of the fferry road that leads by the hill whereon the powder house now Stands And that the Inhabitants of this City who have already a Lott or part of a Lott be restrained Two years from the Taking up any the said Lotts

Signed p Order
John Beard Cl Up Ho.

Sent p Coll Young who returns & says he Delivered it p. 125

The House Adjourns till afternoon

Post Meridiem

The House meet according to Adjournment

Present as before noon

Col Edward Scott and two others from the Lower House with the Journall of the Comittee of Accounts

Read and Assented to by that House

Col Maxwell Col Jn° Ward with the Engrost Bill for the relief of the sev[ll] Prisoners therein Mentioned. Read and Assented to by the Lower House and Being here read, is Assented to by this

And Esq[r] Hall Sent to acquaint the Lower House thereof

U. H. J. Col. Mackall and three others with the Two following Messages Viz.

By the Lower House of Assembly

May the 8th 1718.

May it Please Your Honours

In answer to your Message of this day relating to the Allowance to his Excy for the Body of Laws for the Counties and Provll Court We agree that six Hundred pounds of Tobo be Allowed him for each Body.

Signed p Order Mic. Jenifer Cl. Lo. House

p. 126 By the Lower House of Assembly

May the 8th 1718.

May it Please Your Honrs

We perceive by your Message of yesterday p Coll Young that his Excellency not having his Lordships Particular Instructions cannt Consent to the Adding a Clause to the Act to Limitt the Continuance of Actions &ca whereby the Councill may be Joyned with the Keeper of the Great Seale for the time Being to sitt as a Court of Judicature on rehearing and Reviews of the Decrees of the Chancery Court. But for that It is thought to be an Aggrievance that the same pson who before past the Decree in the Chancery Court should again sitt as Judge alone on the Rehearings and Reviews we Desire your Concurrence to the Adding a Clause to that Bill whereby an Appeale may be Granted from the Chancery Court to the Governour and Councill

Signed p Order
Mic Jenifer Cl. Lo. House

Capt Marriartee and Mr John Beale with the following Message And also with an Engrost Bill for setling all Disputes Concerning the Boundarys of the sevll Lotts in the City of Annapolis &c.

Read and assented to by the Lower House

On reading whereof Tis assented to by this House And so Endorsed and Esqr Lowe sent to acqt the Lower House thereof

p. 127 By the Lower House of Assembly

May the 8th 1718

May it Please your Honours

On reading the Engrost Bill for Setling Disputes in the City of Annapolis herewith sent And not finding anything

therein that Obliged the Comm^rs to take oath for the Perform- U. H. J.
ance of the Trust reposed in them We have added a Clause thereto with which we hope your Honours will Concurr

Signed p Order
Mic Jenifer Cl. Lo. Ho.

The House Adjourns till to Morrow Morning

Friday May the 9^th 1718

The House meet According to Adjournment

Present as Yesterday

His Exc^y Informs this House that he has Instructions from the Crown which He is Commanded by his L^pp to Obey wherein he is Instructed not to Erect any new Court of Judicature but fforasmuch as he does think highly reasonable what they propose he will recomend it to their L^pps to Pass that Act which he is willing to Pass Provided it be not in force till Twelve Months or till his L^pps Pleasure shall be further known

Whereupon Resolved that the following Message be sent to the Lower House

By the Uper House of Assembly

May the 9^th 1718

Gent. In Answer to the Message by Col Mackall and three others his Excellency Acquaints this house that He has Instructions from the Crown w^ch he is Comanded by their L^pps to Obey wherein he is Instructed not to Erect any new Court of Judicature.

But forasmuch as he thinks what your House pposes to be highly Reasonable he will recomend it to their Lordships to pass that Act, which he is willing to do Provided it be not in force till Twelve Months or till his Lordships Pleasure shall be further known And we think it necessary that the same be represented to their L^pps from Both Houses which may be Proper to be Done in the Remonstrance to their Lordships.

Signed p Order
John Beard Cl Up Ho.

Sent p Coll Addison who returns and says he delivered it.

Coll Hynson and seven Others with the following bill for the Better Support of the Magistrates in the Admn^r of Justice

U. H. J. in this ꝑvince & for the Disabling Thomas Macnemara Esq^{r} to practice the Law therein Endorsed

By the Lower House of Assembly

May the 9th 1718

p. 128 Read the first and second time and will pass Nemine Contradicente.

Mic. Jenifer Cl Lo. House

And Being read twice in this House is Endorsed as follows.

By the Upper House of Assembly

May the 9th 1718.

This bill being read a second time will Pass Nemine Contradicente with the following Amendments Viz. At N° 1° not only here but in the Province of Pensilvania

2° Declared himself to be of the Church of England.

3° To ꝑsecute the Suites of the Crown by the means of the said Maurice Birchfield Esq^{r}

4° In all Cases save those that relate to the Crown

Signed ꝑ Order
John Beard Cl. Up House

Sent down by Col Holland Col Young Esq^{r} Hall & Col Addison who return and say they delivered it

The following being Prepared is sent to the Lower House Viz.

By the Upper House of Assembly.

May the 9th 1718

Gent We recomend to you that an Order be Entered on your Journall that the Treasurer of the Western shoar pay to Col W^{m} Holland Attorny of Col Nath^{ll} Blakiston One
p. 129 hundred pound Sterl as Agent for this Province when the year is Expired.

Signed ꝑ Order
John Beard Cl Up Ho.

Sent ꝑ Coll Holland who returns and says he Delivered it.

M^{r} James Lloyd and M^{r} Tobias Pollard with an Engrost Bill for Ascertaining the Bounds of Land within this ꝑvince &c. Read and Assented to by the Lower House And being read is Assented to by this and Coll Young sent to acq^{t} the Lower House thereof

Coll Holland sent to the Lower House with the Report of U. H. J.
the Comitte of Aggrievances relating to Maurice Birchfield Esq^{r} with his Excys Opinion and A message from this House Viz.

I am of Opinion that the Proper Application will be to their Lordships who will not fail to represent any Grievances to his Maj^{ty} which may be Occasioned by the Officers or others Imployed by the Crown in this Province, And a Just Representation be also made of this affair to the Agent of this Province who by his Advice & Intrest will be of use to their L^{pps} And to this ꝑvince in Removing this Grievance and Preventing any of the Like nature for the future.

John Hart

By the Upper House of Assembly p. 130

May the 9th 1718

Gent. In answer to Your Message with the Report from the Comittee of Aggrievances relating to Maurice Birchfield Esq^{r} by Coll Mackall and Two others we Agree with his Excellency in the above Opinion And Leave it to Your Consideracon whether it be not Proper to be laid before the Conference to be represented to their L^{pps}

Signed ꝑ Order
John Beard Cl Up House

The House Adjourns till afternoon

Post Meridiem

The House meet According to Adjournm^{t}

Present as before noon

Charles Wright and Tobias Pollard with a Bill to limitt the Continuance of Actions in sev^{ll} Courts within this Province &c^{a} Read and Assented to by the Lower House. And being read is Assented to by this & Esq^{r} Young sent to Acq^{t} the Lower House thereof.

The Journall of Account read and assented to by this House and Henry Lowe Esq^{r} sent to Acq^{t} the Lower House thereof

Cap^{t} Jn^{o} Fendall and Tobias Pollard with a Bill for Laying p. 131
the Publick Levey this ꝑsent year passed by the Lower House and Being read passed by this and so Endorsed and sent down by Coll Holland.

Capt James Frisby and W^{m} Young from the Lower House with an Engrost bill for the better Supporting the Magistrates in the Admrcon of Justice within this Province and for the

U. H. J. Disabling Thomas Macnemara Esq^{r} to Practice the Law therein

Read and Assented to by the Lower House and being read is assented to by this House And L^{t} Coll Samuell Young sent to acq^{t} the Lower house thereof.

Coll Scott and M^{r} James Frisby with an Engrost Bill for Laying the Publick Levy of this ꝑvince this ꝑsent year 1718. Read & Assented to by the Lower House and being read is Assented to by this and Esq^{r} Hall sent to the Lower House to Acq^{t} them thereof.

Coll Mackall and five others from the Lower House with the following message Viz.

By the Lower House of Assembly
May the 9th 1718

May it Please your Honours

This House Taking into Consideracon the great Expence
p. 132 the Roman Catholicks and their Adherents have Subjected his Excy the Gov^{r} to by their unjust Complaints against him which were found^{d} on no other Cause then his Zealously Espousing the Intrest of this Province ag^{t} their attempts have Resolved that his Excy ought not to be at the sole Charge of Defending the Publick And therefore have Ordered the Hon̄ble Sam^{ll} Young Esq^{r} Publick Treasurer of the Western Shoar to pay unto his said Excy or Order the Sum of Two hundred pounds Sterl. with which Desire your Honours Concurrence And that you will be pleased to Joyne with us in an Address to his Excy Desiring his favourable Acceptance thereof as a Token of our Gratitude

Signed ꝑ Order
Mic Jenifer Cl Lo. House

Resolved that the following be sent to the Lower House in Answer thereto

By the Upper House of Assembly

May the 9th 1718

Gent In answer to your message by Coll Jn^{o} Mackall and five Others we Cannot but Comend you in the Just regard you have to the Expence his Excy has been at in Defending
p. 133 our Constitutions and most readily and heartily Joyne with you therein.

Signed ꝑ Order
John Beard Cl Up House

Sent ꝑ Coll Young Esqr Hall and Col Addison who return U. H. J.
and say they Delivered it.

The following Address to his Excy being Prepared and signed by this House is sent down to the Lower House to be Signed by them.

May It Please Your Excy

The Upper and Lower Houses of Assembly being sensible of the Vast Expence Your Excy has been put to in Defending us in our Happy Establishmt agt the Attempts of those that Sought to wound it Through your sides are by the Ties of Duty to our Country & Gratitude to its Benefactor Oblidged to pray yor Excellency favourable Acceptance of Two hundred pounds sterl: as a reimbursement of such Part of what Your Excy has Generously and Happily applyed for our Advantage as the ꝑsent Circumstances of Affairs permitt us

We assure your Excy we shall always retain a Gratefull Sense of the many Advantages that have accrued to this p. 134
Province under your Excys most Prudent Government and However deficient Our Abilitys may be our Endeavours will Never be Wanting upon all Occasions to Approve ourselves your Excys most Obedient Humble Servants.

Sent Down by Coll Young Esqr Hall & Col Addison who return and say they Delivered it.

The House Adjourns till to morrow morning

Saturday May the 10th 1718

The House meet According to Adjournmt

Present as yesterday

Resolved that the following message be sent Down to the Lower House

By the Upper House of Assembly

May the 10th 1718

Gent

The Conclusion of this Sessions which hath been carryed on so unanimously for the Protestant Interest being near at hand Calls upon us to put you In mind Once more of our message Concerning the 8 ꝑ Cent. We Cannot but be pressing on this Affair as thinking it most Reasonable to Comply with p. 135
his Lordships Demands at this Time in hopes that the good Dispositions he shall see the Houses in to Oblidge him in that

U. H. J. Perticular may Engage his Lordship to give a favourable Construction of all the pceedings of this Sessions

Signed p Order John Beard Cl Up Ho.

Sent p Coll Tilghman who returns and says he Delivered it

Brought up by Col John Ward and five Others from the Lower House the following message Viz.

By the Lower House of Assembly

May the 10th 1718

Gent.

We Doubt not but the reasons we have already Offered in our former Message this Sessions together with the Remark of his L^pp having Assented to a Law that allows the Deduction of the Eight p Cent will sufficiently evince how farr the matter of Right is in our favour but this House taking into Consideration his L^pps Continued Goodness in assenting to and promoting such Good Laws as tends to our comon Benefitt
p. 136 and the many Advantages we reap by his L^pps present Happy Admrcon Cannot in gratitude Contend with His L^pp where his and Our Intrest are only in Dispute And therefore we have Ordered the Publick Treasurer to allow and pay the Deduction made on Account of that Sallary Taking leave on this Occasion to assure your Hon^rs that as we have allways Endeavoured Inviolably to Defend the Country's right so we shall allways be more easily moved by the Impulse of Gratitude Towards our Benefactors than by any Other Politick motives whatsoever.

Signed p Order
Mic Jenifer Cl Lo House

The report of the Conferees about Drawing an Address to their L^pps being read is sent to the Lower House p Col Young M^r Lloyd Esq^r Hall Col Tilghman and Col Addison, who return and say they Delivered it.

The ffollowing Address to their Lordships from this House being Prepared and Signed by the Members thereof Viz.

May It Please your Lordships.

Your favourable Opinion of the Sincerity of our Proceedings in Relation to M^r Macnemara's Suspention from his Practice in the Court of Chancery lays us under an Obligation of Acknowledging our most Grateful Resentment of the Hon^r your Lordship was pleased to do the Councill of Maryland by
p. 137 Concurring in our Sentiments on that Affair. We think ourselves Oblidged in Duty to Assure Your Lordships that on all

Emergencies wherein our Advice shall be required we will do U. H. J.
it sincerely and in such a manner as we shall Judge most Conducive to our Lord Prop^{ty} Just Rights And to Advancing the Prosperity of this Province of Maryland In w^{ch} Endeavours we Promise ourselves that yo^{r} L^{pps} will never be Wanting to approve and Encourage.

My Lord yo^{r} L^{pps} most Dutiful most affectionate & faithfull Humble Servants.

W^{m} Holland
Sam^{ll} Young
J Hall
Tho^{s} Addison
Phil. Lloyd
Rich^{d} Tilghman

The House Adjourns till afternoon

Post Meridiem

The House meet
According to Adjournment

Present as before noon

His Ex^{cy} desires the Opinion of this House to what time p. 138
may be Convenient to Prorogue the Assembly. Whereupon tis Advised that the Seventh day of October be a proper time

And Resolved it be Prorogued Accordingly

Brought up from the Lower House by Col Mackall and five others the Address to his Exc^{y} signed by the Majority of that House, and the following message Viz.

By the Lower House of Assembly
May the 10th 1718

May It Please your Honours

We herewith send the Address signed by the majority of our House which we Desire may be ꝑsented to his Exc^{y} in the Name of Both Houses.

Signed ꝑ Order
Mic Jenifer Cl. Lo. House

Ordered that Col William Holland go to the Lower House and acq^{t} M^{r} Speaker and the Delegates of that House that his Exc^{y} Commands them to Attend him in the Councill Chamber to see the Laws made this Sessions sealed and receive their Assent. Who returns and says He Delivered the message

U. H. J. Accordingly Appeared M^r^ Speaker and the Members of the Lower House, And saw the ffollowing Acts Sealed with his Lordships Greater Seale of this ꝑvince And assented to by his
p. 139 Ex^cy^ on behalf of the R^t^ Hon̄ble the Lord Prop^ry^ of this Province.

N° 1° An engrossed bill to repeal a Certain Act of Assembly Entituled An Act to Prevent the Growth of Popery within this ꝑvince

2° An engrost Bill to Enable Benj^a^ Howard to sell Certain Lands in Ann Arundell County and for entailing other Lands belonging to the said Benj^a^ in Baltemore County

3° An engrost bill for Investing the Right heirs of Edw^d^ Day late of Somersett County with an Estate in Fee simple in Certain Lands in the said County.

4° An engrost bill reviving and Continuing an Act of Assembly of this ꝑvince Entituled an Act for relieving the Inhabitants of this ꝑvince from some Aggrievances in the ꝑsecution of suites at Law

5° An engrost bill for Confirming the Last will and Testament of Eliz^a^ Devegh late of Baltemore County Dec^d^

6° An engrost bill for the relief of Robert High and Philip Eilbeck languishing Prisoners.

7° An engrost bill to Confirm to Mary Hall of Talbot County widow a tract of Land Called Glades Addition in Talbot County.

p. 140 8° An engrost bill for Supplying Defects in a Conveyance of Land from John Cary John Burridge and George Cole to Peregrine Browne Merchant Dec^d^

9° An engrost bill for the Removing Prince Georges County Court House

10° An engrost bill for Qualifying John Steele Esq^r^ to hold offices within this Province

11° An engrost Bill Declaring the Right of three Lotts Originally Laid out in the City of Annapolis for the uses therein Menconed

12° An engrost Supplementary bill to the Act for the Better Admrcon of Justice in Testamentary affairs

13° An engrost bill for the Relief of Sundry poor Prisoners therein Mentioned.

14° An engrost bill for Setling all Disputes Concerning the Boundaries of the sev^ll^ Lotts within the City of Annapolis and Confirming the same to the respective Takers up Improvers and Purchasers thereof And for laying out Ten Acres of Land out of the Town Pasture into Twenty Lotts more to be added to the said City.

15° An engrost Bill for Ascertaining the Bounds of Land within this Province

16° An engrost bill to Limitt the Continuance in sev[ll] Courts within this Province and ascertaining the Manner of Taking the Evidence of sea faring men and for granting Appeals from the Chancery Court to the Governour and Councill. U. H. J. p. 141

17° An engrost bill for the Better supporting the magistrates in the Admrcon of Justice within this Province and for the Disabling Thomas Macnemara Esq[r] to Practice therein

18° An engrost bill empowering a Comittee to Lay assess and apportion the Publick Levy for this ꝑsent year 1718.

After which His Excellency is pleased to Prorogue the Assembly as follows viz.

Gent. With the Advice of the Right Hon̄ble the Lord Prop[rys] Councill I have thought fitt & do hereby Prorogue this ꝑsent Generall Assembly untill the Seventh day of October next ensuing,

And do require you to take Notice that you are Accordingly Prorogued.

So Ends this Third Sessions of Assembly held for this Province since his Lordship the Right Hon[ble] Charles Absolute Lord and Prop[ry] of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been Restored to his Government of this Province this Tenth day of May in the Third year of his said Lordships Dominion &c. Annoq Domini 1718 p. 142

John Beard Cl of the
Uper House of Assembly

Teste

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, April 22–May 10, 1718.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J. Original M. H. S. Collection Calvert Papers (768) p. 1

At a Session of Assembly by Prorogation from the Eighth day of June Anno Domini 1717 held at the City of Annapolis in Annarundell County on tuesday The twenty second day of Aprill in the third year of the Dominion of the right honble Charles absolute Lord and Propry of the Provinces of Maryland & Avalon Lord Baron of Baltemore &c. Appeared in the lower House of the Assembly of the same Province,

The Honble Coll: Mat: Tilghman Ward Esqr Speaker, of the same House

From St Mary's County
Capt Tho. Truman Greenfield
Capt Henry Pere: Jowles
Capt Jno Baker
Mr Thomas Waughop

Baltemore County
Coll: James Maxwell
Capt. Fras Dollihide

Ann Arundell Coty
Mr Joseph Hill
Capt Daniel Mariarte
Mr Alexr Warfield
Mr Richd Warfield

City of Annapolis
Thomas Bordley Esqr

Calvert County
Colo Jno Mackall
Mr Nathl Dare
Jno Rousby Esqr

Talbot County.
Mr Thomas Robins
Mr James Lloyd
Mr Thos Emerson

Somersett County
Mr Samuell Hopkins

Charles County
Capt Jno ffendall

Dorchester County
Capt Tobias Pollard
Mr John Meekins

Prince Georges County
Mr Robt Tyler
James Stoddert Esqr

Queen Anne's County p. 2
Mr Charles Wright
Mr Edward Wright
Mr Wm Turbutt
Mic: Jenifer Cl:

The House adjourns till to morrow Morning Eight of The Clock.

Wednesday Aprill the 23d

The House meet present as before with the Addicon of James Harris Esqr Coll Edward Scot Capt St Leiger Codd, Mr Wm Young & Mr Mathias Vander Heyden

L. H. J. Ordered that Coll: John Mackall and Col° Maxwell go and acquaint his Excy that a sufficient Number of Members are met to make an House, who went & return & say they delivered their Message.

Col° Holland and Coll: Addison from the upper House Acquaint M^r^ Speaker that his Excy desires him w^th^ the whole House to Attend his Excy at the upper House.

Thereupon M^r^ Speaker with the whole House went to the Upper House were his Excy was pleased to deliver himself
p. 3 to M^r^ Speaker and the Members of this House in the following Words viz:

Gentlemen of the Upper and Lower Houses of Assembly

I am to acquaint you that the Right Hon^ble^ my Lords Guilford and Baltemore have Expressed great Satisfaccõn on your proceedings in the last Generall Assembly as will fully appeare, by their L^dps^ oblidging answers, to the Seperate Addresses of both Houses and by their not Dissenting to any one act passed in that Session.

I have Severall other matters to comunicate to you by their L^dps^ Comands which I am of Opinion will be better explained in the way of Message.

Gentlemen.

From the happy Conclusion of the last Session I pleased my Self with the hopes, that the remaining part of that time, I was permitted to be here in this Station wou'd have afforded me much Satisfaction and Tranquility, and that I might have been wholly at leasure, to have imployed my thoughts and Actions, for the good and welfare of this province, as I had faithfully done.

But such is the Restless and Turbulent Spirit, of some Papists and their adherents, that they still Continue to Persecute and Defame me, as they have obstinately done, from that Period of Time, I oposed (as I was In duty bound) their pretentions to an Equal Share of the Administration of this Government with the Protestants, and Required those to Qualifie themselves as the Law directs (and which they refused to do) before I would permit them to Execute those offices they by Deceiving, & Imposing on their L^dps^ had illegally obtained, which upon better Information their L^dps^ in their wisdom and Justice have since thought fit to deprive them of

I am Authentickly informed, that M^r^ Carroll and M^r^ Macnemara have made fresh Complaints to their L^dps^ against me,

And as these two persons are named together I shall Speak L. H. J.
of their behaviour in this Publick manner; as being the most
Candid and open method, to Set their misconduct in a true p. 4
light to their L^dps^, and to take of those artfull & false in-
formations, w^th^ which they Endeavour to amuse & poyson the
minds of the good people, as if there was neither Law nor
Justice to be had under my Administration

M^r^ Carroll who is a profest Papist, and the first Fomenter of our late Disturbances, having Acquired a vast Estate in this Province by the Offices he formerly Employed, & his practice in the Law, not Contented to Enjoy, this Affluence of Fortune with more Indulgence here then he Coud Expect in any part of his Maj^tys^ Dominions, must needs Add the ambition of Rule, to his former felicity.

Pursuant to his design sometime before he made his last Voyage to Great Brittain, he shew'd me a Representation which was to be presented to their L^dps^ on behalf of the Roman Catholicks of this Province importing, that they prayed to be restored, to what they alledged was their Right of being Qualifyed for offices in that Goverm^t^ as they formerly had been. Upon the view of this Representacõn I plainly told M^r^ Carroll; that it was against the Laws of Great Brittaine, and the Acts of Assembly of this Province, & I woud opose it to the utmost of my Power. M^r^ Carroll observing with what Surprize and Indignation I received his motion He told me it should not be offered to their L^dps^ and desired me to be silent on that Representation which I promised to be Provided he dropped all thoughts of offering it. But being afterwards credibly Informed, that M^r^ Carroll had offered that Representation (thô it had not its desired Effect) to their L^dps^, I have since told M^r^ Carroll of his unfaithfull Dealing on this Account before Several members of the Upper House. He Acknowledg'd he had given the Representation but it did not Import that the Roman Catholicks might be Qualifyed for p. 5
Employments but that they might not be unqualifyed for them. So poor, and Jesuitical an Evasion wants no remark.

I then demanded of M^r^ Carroll, by what claim of Right did he offer that Representation for that in my Judgment, by the Laws, the Roman Catholicks had no pretention to hold ministerial offices without Quallifying themselves for them he answered that they claimed from an Instrument Granted by the Lord Cecilius, but that he believed, it was burnt in the State House, And that they (the Roman Catholicks) would Insist upon the Right and then Added (with great Vehemence) that if my Lord Guilford wou'd not admit of their Right they would apply to Higher Powers.

L. H. J. Gentlemen. It is Obvious to all (who are not willfully blind) what Steps the Roman Catholicks were takeing to Introduce themselves again, into the Administration of this Goverm^{t}. But being by their L^{dps} prudence, discountenanced in their Practices, and also oposed by me in their pretended right, of not being unqualifyed as it is Termed, and likewise Impeded of Imploying those offices, they had so surprizeingly obtained and which Indeed they were Unqualifyed for,

It was a Natural Conclusion after Such a defeat that they woud have satt Downe, and been Contented and easy under the protection of the Government as they were permitted to be. But on the Contrary, the Roman Catholicks, Indefatigable in their Designes, turned all their rage and Fury of Disappointment, to Calumniate my Conduct, & by Heaping of Indignitys upon me, used their utmost Efforts, thereby to remove me from this Station

To gain this point I am Informed that a very large Sume of mony was Subscribed for, by the Leading men of the Romish Community, and some of them went as emissarys to London, and were very Active there against me, and Exclaimed in
p. 6 bitter Terms of my persecuting the Papists in this province, and how Cruel a Manner they were treated in, and Even debarr'd the Liberty of a free Commerce.

When I demonstrated to their L^{dps} how Groundless and unjustly these Clamours were, Their L^{dps} answer was so just & so much for their Honour, as well as Vindication of my Character, that I take it as a Duty, to give you their L^{dps} Sentiments in their own words, as I have them by a Letter dated the 16th of November past, and are as follows:

It is very true representations have been made to us of your Persecution and Severity to the Roman Catholicks, but as those representations, appear to be grounded only on Fears and Jealousies not facts, so we must approve of your Integrity to us, in keeping them in due bounds by the Gentle methods you have taken.

Gentlemen: As there has been no oppertunitys lost by which the Roman Catholicks imagined they might Deter me in the Duty of my office, so they had upon cases most unfairly Stated, obtained the Opinion of three Eminent Lawyers, on the Act of Assembly of this Province for Suspending the Prosecution of Popish priests &c^{a}. These Opinions shall be laid before you for your Consideration upon them.

Upon my representation of the case to their L^{dps} in the Clearest veiw I was Capable of, I have the Honour of their L^{dps} Answer upon the occasion as follows.

If the Learned Counsels' opinions were given on Cases not fairly Stated The Roman Catholicks, must thank themselves, for wee are so farr from Immagining that any Countenance should be given them, in th^t^ pernicious practice, of perverting People to the Romish Superstition, that wee very well approve of the Laws made to prevent it, never meaning any more, but that they might live peaceably and Quietly under our Goverment whilst they behaved themselves as became them. L. H. J. p. 7

Gentlemen.

Thus I have related to you in as short a manner, as Time and Occasion will permit the true Grounds and reasons, for which the Romanists and their Adherents have given me so great Inquietude, and which have provoked them, to use so many Subtill practices for my Removal. But you will find the Cause of their Unjust Resentment against me, more at Large in the Journalls of the upper & Lower houses in July 1716. I must Confess this Faction, have done me more honour, then I presume they Intended me, as if I alone were of such consequence to the Protestant Interest here, that coud they by any means remove me from this Station they might have at least the Chance, to find my Successor more Pliable to their Intreagues and Sacrifice me to their Revenge not considering that the Circumstances of this Country is Happily Changed for these thirty years past, who have so long tasted of the Liberty & Lenity of Protestant Governm^t^ If I may Judge from the many good Laws that has been made in this Province, and the Profession of so great a majority of this People, they are firmly resolved never more to give way to a Popish Administration.

Gentlemen.

What I require of you upon this Occasion is that you will Enquire into the Circumstances that are now related to you And in the name of God, as you are his L^dps^ Great Councill of this province, make an Impartial Representation of the truth thereof in what manner you shall find proper.

As to what relates to M^r^ Macnemara & his Complaints you know the man and his Conversation you are not Ignorant what Disturbence he has given this Government for almost as many years as he has been in it.

I shall lay before you the Cause of my Suspending him from his Practice in the Chancery Court and Since he has Complained of my being both Judge and Party, I desire Your p. 8

L. H. J. Opinions, whether such Insolencys as he has offered be exempt from Punishment by y^r^ Law.

Gentlemen.

I Cannot conclude without giving you two remarkable Instances of the notorious Falsitys that have been reported of me the first is,

That the Roman Catholicks, were Denyed a freedom in Commerce, the Second, That I had beaten M^r^ Macnemara most unmercifully.

Against such wicked men, that will Advance so gross Calumnys to Serve a Turn, What Inocence can protect. Who that woud make Conscience of his Duty can be Safe in the Execution of it. Yet as I hope such practices will not deterr the Magistrates from their Duty to his Majesty and his Lordship; so I take this Occassion to Declare that I am firmly resolved to Support them in it, so far as in me lyes, nor shall any Reflections on the past Effects of the malice of the Roman Catholicks and their Adherents towards me, nor any apprehension of their future Rage Slacken my Endeavours, towards, the Establishing the Protestant Interest in this Province under the Auspicious protection of our Soveraign Lord King George and his Lordships Government

Jo: Hart

p. 9 After which M^r^ Speaker with the whole House return to their own House where M^r^ Speaker resumes the Chair

Ordered that the same Gent who where Appointed to be of the Severall Comittees last session be still Continued on the same Comittees.

Ordered that the Comittee of Laws prepare an Answer to his Excys Speech.

Ordered that Warrants be issued to the Secretary to prepare the following writt of Election viz:

To the Mayor, Recorder and Aldermen of the City of Annapolis for electing a member in the stead of M^r^ Benjaman Tasker who since last Session is made sherriff of that City.

To the Sherriff of Baltemore County for the electing a member in the Stead of M^r^ Peter Bond Dec^d^

To the Sherriff of Charles County for the electing Two members one in the room of Coll. Phill Hoskins decēd & of M^r^ Samuell Hanson who Since last Sessions is made Sherriffe of that County

To the Sheriffe of Prince George's County for electing a member in stead of Major Josiah Wilson decēd.

To the Sheriffe of Queen Ann's County for electing a Member in the room of Maj John Hawkins decēd. L. H. J.

To the Sherriff of Somersett County to elect a member in the room of M^r^ Thomas Dashiel since made sheriff of that County. Which Was accordingly issued.

Resolved that this House will sit to do Business from eight till eleven of the Clock in the forenoon and from one till five in the Afternoon. p. 10

Whereupon the following Message was sent to the upper House by M^r^ Tyler and M^r^ Lloyd viz.

By the lower House of Assembly
Ap^l^ 23^d^ 1718

May it please yo^r^ Excy & Honours.

This House in order to Dispatch Business as much as in them Lyes has made a Resolve to sit from eight of the Clock till eleven in the forenoon & from one till five of the Clock in the Afternoone during this Sessions and desire to know whether the Time resolved on be agreeable to your Excy & Hon^rs^.

Signed p Ord^r^ Mic Jenifer Cl.

They return and say they delivered it.

Col° Samuell Young from the upper House delivers M^r^ Speaker the following message viz:

By the Upper House of Assembly
Ap^l^ 23^d^ 1718

Gent.

We having considered your message by M^r^ Tyler and M^r^ Lloyd and think the Times therein proposed very agreeable for the Dispatch of Business with w^ch^ We Concurr.

Signed p Ord^r^ Jn° Beard Cl up Ho.

The House Adjourns till to morrow
Morning Eight a Clock

Tuesday Aprill 24^th^ 1718 p. 11

The House meet According to Adjournm^t^

Yesterday's Proceedings are read.

Col° Nath: Hynson Capt James ffrisby, Col° Ephraim Augustine Herman, M^r^ W^m^ Whittington, Maj John Bradford and Cap^t^ Thomas Dent Appear in the House.

M^r^ John Purnell is excused from his Attend^ce^ this Sessions by reason of the Indisposicon of his Family.

L. H. J. The Lords Baltemore and Guilford their Answer to the Address of this House of Last Sessions was read and ordered to be entred as follows viz.

Baltemore } Gentlemen of the Low^r^ House of Assembly We
Guilford } thank you for your dutifull Address which We rece^d^ by the hands of our worthy Friend Coll Blackiston. The regard you have paid to our Declaracons and Accons is the more gratefull to us as it tends to lay aside all fears and Jealousies and place Confidence between the Lord pro^ry^ and his people, The Sure Way to make both Happy.

As We would by no meanes give up any Branch of our just Prerogative so by our Instruccon relating to the Ordinary Lycences you may perceive how desirous we were to prevent any Difference about them; And as We have applyed the fines arising by the Law to the use of our Secretaries, so We could have wished it had not been made Temporary that no Occasion might hereafter offerr it Self whereby a Dispute may arise so happily laid asleep for the present.

We greatly Comend the Zeale you Express for the Encouragement of good Literature among you. Amidst the
p. 12 many Advantages arising from Charity Schools lately set up in great Brittain by the Subscriptions of Severall Inhabitants within their distinct Parishes where youth are taught and instructed in the true Orthodox ffaith of the Church of England, This one is more peculiarly observed to redound from them that they are so many Nurseries and Fences ag^t^ Popery: And you may be well assured that We shall never be wanting on a proper Occasion to encourage so comendable a Work

Ordered that the same Gent who were appointed last Sessions to be of the severall Comittees continue for this Sessions also and are sent out Accordingly.

The House adjourns till one of the Clock in the afternoon

Post Meridiem

The House meets according to Adj°.

On a representacōn made by a member of this House that Thomas Macnemara Esq^r^ having demanded from Clerk of this House a Copy of his Excys Speech which the said Clerk not directly Complying w^th^ the said Macnemara used Severall Expressions Seemingly to extort the same from him with some reflections towards this House.

Ordered that the said Macnemara appear at the Barr of this House to answer the same. L. H. J.

The peticon of Benjamin Howard praying Leave to Cut of the Entail of Sundry Lands therein menconed & to entail other Lands in the Stead thereof was read and Leave given to bring in a Bill as Prayed

The Petition of John Beale of Charles Co^{ty} on behalf of his son Richard a Minor was read and Ordered that the Persons concerned have notice of this Pet^{o} & that they may appear next Sessions if they think fit to answer the same. p. 13

Thomas Macnemara Esq^{r} Pursuant to the Order of this House appears and says that he doth not remember that he used any refleccons towards the house but that if he did he is Sorry for it having been drinking Wine. Whereupon he is excused from that Offence & withdrew.

The House adjourns till to morrow Morning Eight of the Clock.

ffryday Ap^{l} 25th 1718

The House meet According to Adjournm^{t}

Yesterdays proceedings are read.

M^{r} Peter Taylor & M^{r} Jn^{o} Brannock appeare in the House

Bill to enable Benj^{a} Howard to sell certain Lands in Ann arundell County and for the entailing other Lands in Baltemore County was read the first time and ordered a Second Reading to morrow morning.

The Petition of Moses Lecompt praying relief was read and referred to Dorch^{r} County Court for his relief.

On the peticon of Grace Brooke and Rob^{t} Brooke to confirm Land to W^{m} Gray.

Ordered that Notice be given to Charles Brooke the heir at Law of Robert Brooke decēd to appear next Sessions to Shew Cause if he thinks fit why a Bill shall not be brought in as pray'd, The peticon being filed in July 1716 but no process yet issued.

The Petition of James Phillips was read and referred to the Comittee of Aggricvances to examine the Allegacons of the Pet^{r} and to make their Report thereon to the house. p. 14

The Peticon of Nathaniel Ashcom of Calvert County Gent. & the Peticōn of John Seagger of S^{t} Mary's County were read and referr'd for further Consideration.

The House Adjourns till one a Clock

L. H. J. Post Meridiem. The house meet according to Adjournment

The Petition of George Scot on behalfe of His Son Day Scot being referr'd from last Sessions was read & it appearing that W^m^ Round and Mary his Wife the persons Concerned have had Suff^t^ notice of the peticōn and for that the Allegacons in the Peticon are found to be true Leave is given to bring in a Bill as prayed saving to Abraham Turner his Equitable right to the Land therein menconed in Case he Comes in and makes the Same appear in Two years hence.

Coll: Tilghman from the upper house delivers M^r^ Speaker the foll^o^ Message Viz:

By his Excy the Governour Aprill 25^th^ 1718.

Gent. You have herewith sent You the opinion of three Lawyers in great Brittain relating to the Act for suspending the prosecution of Popish Priests which is promised in my Speech to be laid before you for your Consideracon.

Signed p Order John Beard Cl: Up: ho:

p. 15 And delivered M^r^ Speaker the Opinions of the Lawyers therein menconed w^ch^ were read and the Consideracon thereof is referr'd till to morrow morning

On reading the peticōn of Pet^r^ Marsey and Sarah his Wife praying Leave to bring in a Bill to repeal an Act made to Robert Roberts referred from last Sessions. The Same is rejected

Col^o^ Ennalls from the Upper House delivers M^r^ Speaker three Indictments found ag^t^ M^r^ Thomas Macnemara in the Prov^ll^ Court w^th^ a Transcript from the Chancery Court relating to his suspension with the following Message viz:

By his Excy the Governour
Aprill 25^th^ 1718.

Gent. I herewith send you Copies of Severall Passages that hapned in the Chancery Court relating to M^r^ Macnemara w^th^ Copies of three Indictments found ag^t^ the said Macnemara which I promised to lay before you for your Consideracon.

Signed p Order Jn^o^ Beard Cl: Up. ho:

The Consideration whereof is referred till to morrow

Philemon Lloyd Esq^r^ from the upper House delivers M^r^ Speaker Rob^t^ High's peticon thus endorst Viz:

By the Upper House of Assembly L. H. J.
Aprill 24th 1718.

The within peticon being read at this Board is left to the Consideracon of The Lower House of Assembly.

Signed p Ordr Jn° Beard Cl: Up: ho:

Philip Eilbeck's Petition thus endorst viz.

By the Upper House of Assembly
Aprill the 25th 1718.

The within Petition being read in this house is referr'd to the Consideracon of the Lower House of Assembly.

Signed p Order Jn° Beard Cl: Up. ho:

The peticon of Thomas Reynolds Gent. agt Mr Jn° Brannock p. 16
a Member of this House was read and referred till to morrow Morning.

The House adjourns till to morrow morning Eight of the Clock.

Saturday Apl 26th 1718

The house meets according to Adjmt

Yesterdays proceedings are read.

Whereas it is represented that the Roman Catholicks are very numerous already and daily encreasing in this Province so that tis feared they may for the future Occasion great Disturbance by electing roman Catholicks or their Adherents to serve as Delegates in Assemblies agt the Peace and Safety of this Province.

Resolved that a Supplementary Bill to the Act directing the manner of electing & Sumoning Delegates &c be brought in to prevent any persons from having Votes in Elections who shall refuse to take the Oaths and Subscribe the Test According to the Directions of the Act for the better Security of the Peace and Safety of his Lpps Government &ca And Ordered the Comittee of Laws prepare the Bill.

Major Bradford on his Motion has leave to go home for that his House and Papers to a considerable Value has been lately burnt so that necessity obliges him to be at home in order to Settle what Accounts he can be informed of.

The Petitions of Robert Heigh of Calvert County and the p. 17
pet° of Phill Eilbeck of Kent County were read and the Allegations being made Appear, Leave is given to bring in a Bill as prayd and Ordered the Comittee of Laws prepare the Bill.

L. H. J. The Peticōn of Mary Hall read and referr'd to the Comittee of Aggrievances to make appear the Truth of the Peticoner's Allegations and to make their Report thereon. The house adjourns till one of the Clock in the Afternoon.

Post Meridiem. The house meets according to Adjournment

The Peticon of Jn° Murdock praying Leave to bring in a Bill to reinstate him in three hundred acres of Land taken away by M^rs^ Gerard was read, and Ordered that notice be given M^rs^ Gerrard to appear Some time this Session

The Petition of John Clements referr'd from last Sessions was read and for Sundry reasons offered by the pet^r^ the same is further referred till next Session

The Petition of Thomas Reynolds read again and is further referr'd till Monday next.

M^r^ Lowe from the Upper House delivers M^r^ Speaker a Remonstrance ag^t^ M^r^ John Brannock exhibited by some of the Inhabitants of Dorchester County with the following Message viz:

p. 18 By the upper house of Assembly Aprill the 26^th^ 1718.

Gent of the lower House fforasmuch as the Gent: ag^t^ whom the within remonstrance is made is a Sitting Member of your House, We recomend the due Consideration of it to you

Signed p Order John Beard Cl: up: ho:

Whereupon the same Remonstrance was read and Ordered to be thus endorst viz:

By the Lower House of Assembly Aprill the 26^th^ 1718

May it please your Hon^rs^

On reading and Considering the within remonstrance We are of Opinion that there can be no reason for exhibiting the same for that the Justices of Dorchester County are not yet acquitted from Facts last Sessions laid to their Charge by the Inhabitants of that County for the same matters complain'd of in the Remonstrance as a Libelling them which was then referred to yo^r^ Consideracon But We must observe that if the member of our House complained of hath Libelled the Justices of the County without reason they may have their remedy ag^t^ him. However We hope if the facts alleged ag^t^ the Justices be found true by your Honours that the persons

exhibiting so Scandalous a Remonstrance may be punished L. H. J.
According to their Deserts

Signed p Order M: Jenifer Cl: lo: ho:

And was sent to the Upper House by Mr Taylor and Capt Pollard

They Return and say they delivered it.

The house adjourns till Monday Morning Eight of the Clock

Monday Aprill 28th 1718 p. 19

The house meet according to Adjournmt

Yesterdays Proceedings are read.

A Bill to enable Benjamin Howard to sell certain Lands in Ann Ardl County and for entailing other Lands in Baltemore County was read and Ordd to be thus endorst viz

By the lower House of Assembly
Aprill the 28th 1718

Read the second time & will pass.

Signed p Order Mi. Jenifer Cl. lo. ho:

Bill for investing the right heirs of Edward Day wth an Estate in Lands in Somerset County was read and ordered to be thus endorst viz.

By the lower House of Assembly Aprill the 28th 1718.

Read the first time and ordered a second reading in the afternoon.

Sign'd p Order M. Jenifer Clk.

Bill to confirm the last Will and Testament of Elizabeth Devegh was read and Ordered to be thus endorst viz

By the lower House of Assembly Aprill 28. 1718

Read the first time and Ordered a second reading in the Afternoon.

Sign'd p Order Mic Jenifer Cl. lo. ho.

Mr Bordley from the Comittee of Laws delivers Mr Speaker the Answer to His Excys Speech which was read and sent back to that Comittee to be fair Writt over.

The house Adjourns till one a Clock in the Afternoon

L. H. J. Post Meridiem. The House meets according to Adjournment

p. 20 Bill for investing the right heirs of Edward Day in Lands in Somerset County was read and ordered to be thus endorst viz

By the Lower House of Assembly, Aprill the 28. 1718

Read the second Time and will Pass

Sign'd p order M. Jenifer Cl. lo ho.

Bill for confirming Eliz[a] Deveghs Will was read and ordered to be thus endorst viz.

By the lower House of Assembly Aprill the 28[th] 1718.

Read again and will pass Signed p Order

M. Jenifer Cl. lo: Ho.

Both which Bills w[th] the Bill to enable Benj. Howard to sell Lands &c. were sent to the upp[r] House by Cap[t] Mariarte Cap[t] Pollard & M[r] Turbutt. They Return and say they delivered them

The Answer to his Excy's Speech being fair writt over by the Comittee of Laws and brought down by Col[o] Mackall was read and ordered to be entered as follows viz[t]

By the lower House of Assembly
Aprill the 28[th] 1718

May it Please Your Excy

We are glad to find by your Excys Speech that our Endeavours which have hitherto been for the Comon Good and wellfare of his Lord[p] and this Province are favour'd with their Lordships Approbation, And we shall faithfully Endeavour to pursue the Same Ends in Considering such further Comands from their L[dps] as your Excy shall be pleased to Communicate to us by way of Message.

p. 21 We humbly take Leave to Acquaint your Excy that from your Excy's Steady and Prudent Conduct of affairs and the happy Conclusion of the Last Sessions we had Great hopes that not only Your Excy in particular but all his Maj[tys] Good Subjects in Gen[ll] throughout this province might have Enjoyed Such Leisure and Tranquility as you are pleased to mention, and are heartily Sorry that any thing Should happen to Interrupt it. We are sure that none who are either Good Subjects to our Sovereigne or really well wishers to his Lordship and this province Could be Instrumentall in the

Diverting your Excy from the Prosecut^{n} of Such good de- L. H. J.
signs or in the makeing your Excy uneasy in the unbyass'd Methods of Your Administration.

But that Papists and their Adherents Should Attack your Excys Character and Interest Seems not Strange, but rather the naturall product of your Excy's Zealous regard for the Establishment of the protestant Interest and Defending it against the Attempts of those who valued themselves So much upon the Advances they had made (by deceiving and Imposeing upon their L^{dpps}) towards Introducing themselves into an Equal Share with the Protestants of the Administration of the Govrm^{t} of this Province, which their Lordships on better Information did so readily and Justly Deprive them of to our Great Satisfaction. Such a Regard as this is Cause Enough to Excite their utmost Endeavours ag^{t} the best of men; We doubt not their will and hope we Can't be blamed if we Endeavour to restrain their Power.

What other Causes of Complaint the Gent: Your Excy mentions Can have ag^{t} you we Cannot Imagine and take this Opportunity of declaring that we know not that ever your Excy has done them any Injury Either by your Person or Government. The Relacõn your Excy is pleased to Give us of the Steps the Roman Catholicks were takeing to Advance their Power is very Convinceing and lays us under the Greatest Obligat^{ns} of Gratitude to your Excy for so generously p. 22
opposeing them and Setting the whole matter in a Clear Light before their L^{dps}; without which these their Subtile Jesuiticall falsities might have possibly Past for truth the Consequences whereof we presume not to Determine.

The more Vehem^{t} the Romans and their Adherents are in their Endeavours to heap indignities upon your Excy the Stronger is the Evidence of your Excy's Sincerity to the Present Establishments in Church and State to which the Roman Catholicks are known to have so great an Aversion both by Inclination and Principle that it can be deemed no honour for a true Protestant to have their Applause nor any Scandall to suffer their Reproach, And as their L^{dps} on your Excys Representation to them have been so Just to your Excy's Character and Conduct as not to Give way to the Insinuations of the Papists on their Groundless fears and Jealousies when they had not the Confidence to assigne the Least of facts, But on the Contrary have Signifyed their approbation of your Integrity to their Lord^{ps} in Keeping them within due bounds by such Gentle methods as you have always taken so we hope their L^{dps} will look upon any fresh Complaints that have or shall be made ag^{t} your Excy as Ground-

L. H. J. less as the former without good proof, It being as unlikely to find Papists under a Protestant Goverm^{t} without Complaints in Case they are listned to as to find fire without Warmth or Water wthout Moisture. Wee are somewhat Surprized to find the Roman Catholicks so Active in procuring Opinions from Lawyers in England in Relation to our Laws Since the Severest of them are more Indulgent to them than the Statute made in the 11th & 12th years of his late Majesty King W^{m} the third Chapt^{r} 4th which expressly extends to his Majesty's Realms and the Dom^{ns} thereto belonging and which we presume neither they nor the Learned Lawyers whose opinions they have taken will disallow the force of here; from whence wee begg Leave to Observe that if the Act of Assembly ag^{t} the Growth of Popery here were not only Suspended as they would have it, but Actually repealed Their Ends would be but poorly Answered.

But Since by these measures those Gent have plainly demonstrated that they Insist upon their Indulgencies as matters not of favour but of right, we think ourselves oblig'd to declare our Opinions that they [have] not any right to further Indulgencies than that Statute gives them, And acknowledge your Excy's Goodness in so Stateing their Case to their
p. 23 Lordps as to Give their Lpps. an occasion to declare themselves So much to our Satisfaction.

Wee are well assured the Romanists and their Adherents did not designe your Excy Either Honour or Profit in makeing you the only Marke of their Revenge, for Supporting the Protestant Interest But we must with all gratitude Acknowledge your Excy's Generosity and Goodness in defending at the Hazard of your Interest so far as the Influence of theirs could reach which were it Such that thereby they could accomplish their Ends in your Removall and obtain a Successor more Pliable to their Intreagues, (which we Pray God prevent) would at last faile them for we who have so Long Injoy'd the happy Influence of a Church of England Governm^{t} cannot easily give it up to papists while we are blest with a Protestant King on the throne of Great Brittain and a Protestant Proprietor under him to Govern us, whose Justice and Goodness we have amply Experienced in Rejecting their Complaints by Continueing us under the Immediate administration of your Excy, so hearty an Espouser of the Psent Establishm^{t} both in Church & State.

Wee are not Ignorant of the Plotting uneasy and revengfull temper as well as Proud and Turbulent Behav^{r} Of M^{r} Macnemara ever since his first Coming into this Province but more Especially Since he has had the Oppertunity to Insinuate

himself into their Lordships' Good Graces which we are well L. H. J.
assured he never could have done if their Lordships had been as well Acquainted with his Conversation and Character, as we are, of which when their L^pps^ shall be truly informed, we doubt but he may have less Cause to boast of their Repeated favours.

Wee have Considered what your Excy has been pleased to lay before us as the Causes of your Suspending him from practiceing in the Chancery Court, and are of opinion that the act of Assembly of this Province has Invested a Suff^t^ Authority in all the Courts of it not only to Admit but also to Suspend Attorneys, or others Practitioners of the Law from practiceing in them upon their Misbehaviour which the Sev^l^ Courts are the proper Judges of without the Imputation of being both Judge & party. But if the Authority of any of his Lordships Courts Should be abridged in this Part, it would be Impossible for them to preserve Such Decorum as is Absolutely necessary in Judicial Proceedings but render his L^dps^ Authority in the persons of his Iudges Lyable to the reproach of Every Mercenary tongue, And as we take it M^r^ Macnemara by his so much insisting upon haveing the R^t^ Honb^le^ the Lord p. 24
Guilfords Letter to him Entered in the Proceedings of the Chancery Court seem'd to have some hopes he might be Supported in his practice in that Court w^th^out being obliged to shew it due respect; an use that we dare say his Lordship never designed should be made of it.

Thus wee have faithfully and Impartially Considered what your Excy has been pleased to lay before us and think ourselves obliged to return our humble thanks for the Assureance you give us of your Steady resolution to Support the Magistrates in the Discharge of the trust reposed in them, as much as in you lies, and that you will not Slacken your Endeavours to Establish the Protestant Interest in Maryland, the Consequences whereof cannot redound to your Prejudice.

And since we are fully Satisfyed the Complaints that have been made ag^t^ your Excy and the uneasiness, that have been Given you, have been founded merely on your Excy's Endeavours for the Comon Good of all his Maj^tys^ good Subjects here, Wee begg leave on this Occasion to declare ourSelves bound in Justice duty and Gratitude to do what in us Lies to Support your Excys Character and Interest ag^t^ the Attempts of all the disaffected whose restless & Ambitious Spirits will not let them see when they are happy. And we further Declare to the End that it may be known to all the world and recorded on our Journalls to the Honour of his L^dps^ Government and of your Excy's Memory to posterity, That through

L. H. J. the whole Course of your Excys almost four years administration by the Strictest observation we Can make, your Government has been just and Universally Satisfactory to all his Majesty's faithfull Protestant Subjects here, and Complain'd of by none but the Roman Catholicks and their Adherents and by them without any other Cause that Wee Can find Save that of party and Principle.

Which was Sent to the upper house by Coll Mackall Cap^{t} Greenfield, Col^{o} Scot, M^{r} Hill, M^{r} Lloyd Col Maxwell, Cap^{t} ffendall, M^{r} Taylor M^{r} Cha^{s} Wright, M^{r} Hopkins, Cap^{t} ffrisby & Col^{l} Herrman.

They return and say they Delivered it.

p. 25 The peticon of M^{r} John Brannock praying to be relieved ag^{t} a Judgment obtaind ag^{t} him in Dorchester County Court by Phill ffeddeman was read wth a Transcript of Judgment and Ordered to be thus Endorst viz:

By the lower House of Assembly Aprill the 28th 1718.

On reading the within Peticon and the Record herewith Sent We are of Opinion that Judgment is erroniously rendred ag^{t} the Pet^{r} to his Damage and for that the sume for which the Judgment is rendered will not bear an Appeale to Any Superior Court of Judicature Humbly recomend the Pet^{r} to your Excy & Hon^{rs} for reliefe the Justices of Dorchester County as well as the Plantiff and Attorney therein menconed being now in Towne. Signed p Order

Mic: Jenifer Cl. lo. ho:

The Petition of M^{r} Jn^{o} Brannock Gent on the behalf of Thomas Brannock a Minor was read & thus Endorst viz:

By the low^{r} house of Assembly Aprill the 28th 1718.

On reading the within Peticon for that it seems the matters complain'd of are against Some of the Justices of Dorchester County now in Towne for Misfeazance in their Office the same is referr'd to your Excy & Honours to do therein what may be thought Necessary.

Signed p Order M: Jenifer Cl: Lo: ho:

Which two Peticons wth the endorsments thereon were sent to the upp^{r} house by M^{r} Pollard & M^{r} Taylor

They return and say they delivered them.

Esq[r] Hall from the upper house delivers M[r] Speaker the following Message viz. L. H. J.

By the upp[r] House of Assembly Aprill the 28[th] 1718.

Gent of the lo. ho:

The petition of the Inhabitants of Dorchester County which was referred to this Sessions being signed by one hand, and no Prosecutors Appearing (the persons accused being ready to make their Defence) We desire to be informed who preferred it last Sessions, or whether there be any of your House concerned in the prosecucon thereof, which if there be desire they may appear to Prosecute p. 26

Signed p order Jno Beard Cl Up. ho:

In answer whereto the following Message was prepared viz:

By the Lower House of Assembly
Aprill 28[th] 1718.

May it Please your Excy & Hon[rs]

M[r] Brannock as a Representative for Dorchester County exhibited the Peticon last Sessions to this House who has the peticōn signed by the persons Subscribing and therefore waits on your Excy & Honours to make good the Complaint.

Signed p Order M: Jenifer Cl. lo. ho:

& sent by M[r] Brannock

A Supplementary Bill to the Act Directing the manner of electing and Sumoning Delegates &c. was read the first Time and the Q[r] being put whether the same shall be read again or not, Resolved In the Affirmative by the majority of Votes Whereupon the same was read the Second Time and will pass, w[ch] was so endorst, & sent to the upper House by Col[o] Scot M[r] Rousby M[r] Dare & Col[o] Ward.

They return and say they delivered it.

The house Adjourns till to morrow morning Eight of the Clock

Tuesday Aprill 29[th] 1718 p. 27

The House meets According to Adjournment

Yesterdays proceedings are read.

Ordered the Comittee of Laws prepare a Bill for repealing the act against the Growth of Popery &c[a]

Ordered the following Message be prepared.

L. H. J. By the lower House of Assembly
Aprill the 29th 1718

May it please your Excy & Honors

'Tis found by experience and Sundry Peticons offered to this Assembly that Some Amendments are necessary to be made in the act for Ascertaining the bounds of Lands &c. which ought to be done either by a Supplementary Bill to that Act or by reenacting it wch being a matter of great Concern to the Province in Generall We desire your Honours will be Pleased to appoint Some of the Members of your House to join with some of the Members of our House in a Conference to consider of that act and propose what Amendments may be thought necessary.

Signed p Order Mic: Jenifer Cl lo. ho.

Which was Sent to the upper House by Mr Lloyd Capt Dollahide & Mr Emerson. They return and say they delivered their Message.

Colo Holland with three others delivers Mr Speaker a Lre from the Lords Baltemr and Guilford to the Presidt and Councill of this Province with the Transcript of a Record from Philadelphia certifying the suspension of Thomas Macnemara Esqr for his Misdemeanour wth the following Message viz

p. 28 By the upper house of Assembly Aprill the 29th 1718

Gent.

Believing it may be great Satisfaction to your House We have now comunicated a Letter We have had the Honour to receive from the right honble the Lords Guilford and Baltemore by which you will observe how ready their Lpps are to support their Authority and strengthen the hands of those Commissioned for the Distribution of Justice against the bold and insolent Attempts of Mr Macnemara not only in the Chancery but to some of our Knowledge in the Provinciall Court

So reasonable a Piece of Justice in their Lpp's We hope may have an Influence on those (had this gone with Impunity) who might have followed his evil Example of flying in the Face of the Government which he has been too apt to do not only in this Province but our neighbouring Government of Pensilvania as you'll percieve, by the Transcript herewith sent you

Signed p Order John Beard Cl: Up: ho:

Which were read and Ordered to be laid on the Table for further Consideracon.

Coll° Holland and three others from the upper House de- L. H. J.
livers M^r^ Speaker the Supplementary Bill to the Act directing p. 29
the manner of electing and Somoñing Delegates thus endorst

By the upper House of Assembly Aprill the 28^th^ 1718.
Read the first time & Ordered a Second reading to Morrow
Signed p Order John Beard Cl up ho:

By the upp^r^ house of Assembly Aprill the 29^th^ 1718.
Read the Second Time and the Q^r^ being put whether it shall pass or not, resolved Nemine Contradicente it pass.
Sign'd p Order Jn° Beard Cl up. ho:

Which was read in this House and the Q^r^ being put whether the same shall be Temporary or not or whether the Bill shall pass as it now stands,

Resolved the Bill Pass as it now stands w^ch^ was so endorst & past for engrossing and sent to the Comittee of Laws to be engrost.

Ordered that M^r^ Rousby and M^r^ Turbut go to the upper House to see M^r^ Macnemara prove his Navall Officers Accounts, who went & soon after return & say they see him prove them.

Col° Ennalls and three others from the upper House deliver M^r^ Speaker the following Message viz:

By the upper House of Assembly
Aprill the 29^th^ 1718.

Gent.

In Answer to your Message by M^r^ James Lloyd and two others this house has appointed Col° Thomas Ennalls, Col° Tho^s^ Addison, Coll° Richard Tilghman, & Henry Lowe Esq^r^ to join with such of the Gent of your House as you think convenient.

Signed p Order John Beard Cl. up. ho.

In answer to which the following Message was prepared p. 30
viz:

By the Lower House of Assembly Aprill 29^th^ 1718.

May it Please your Hon^rs^

We have appointed James Stoddert Esq^r^ Cap^t^ Thomas Truman Greenfield, Capt. Henry Peregrine Jowles, M^r^ W^m^ Tur-

L. H. J. but, M^r James Lloyd and Col° Edward Scot to join the members of your House in the Conference who are ready to attend.

Signed p Ord^r M: Jenifer Cl. lo. ho.

And Sent to the upper House by the Gent appointed.

They return & say they delivered it.

On reading the Report of the Comittee of Aggrievances referrd from last Sessions,

Resolved a Bill be brought in to oblige Ex^rs & Adm^rs to make up their Accounts under a year & a Day according to that Report & ordered the Comittee of Laws prepare the Bill.

The Q^r being put whether that Part of the Report that relates to sherr^s purchasing of Ordinary Keepers' Tobacco is any aggrievance

Resolved the same is not any aggrievance by the Majority of votes.

As to the last aggrievance mentioned in that Report the Q^r was put to what Time accōns Shall Continue in the Severall Courts

Resolved Twelve Months in the County eighteen months in the Provinciall & Chancery & High Court of Appeals & no longer unless good Cause shewn or the Accōns be Struck off the Docquet, & Ordered the Comittee of Laws prepare the Bill.

p. 31 The house adjourns till one of the Clock in the Afternoon

Post Meridiem. The House meet according to Adjournment

Maj^r Harris from the Comittee of Laws delivers M^r Speaker an engrost Supplementary Bill to the Act directing the manner of electing and Summoning Delegates &c: which was read and Ordered to be thus endorst viz:

Aprill the 29^th 1718.

Read and assented to by the lower House of Assembly and

Signed p Order M: Jenifer Clk. lo. ho.

and sent to the upper House by Major Harris Cap^t Pollard & M^r Waughop. They return and say they delivered it.

Esq^r Hall from the upper House acquaints M^r Speaker that the engrost Supplementary Bill to the Act directing the manner of electing and Summoning Delegates is read and Assented to by the upper House.

M^r Bordley from the Comittee of Laws Delivers M^r Speaker a Bill to repeale the act to prevent the Growth of popery within this Province which was read and ordered a Second reading to morrow morning & was so endorst. L. H. J.

Col° Holland and three others from the upper House deliver Speaker a Copy of his Excy's Speech to the reverend Clergy and their Address to his Excy with the following Message viz:

By his Excy the Governour
Ap^ll 29^th 1718.

Gent^l of the Upp^r & Lower Houses of Ass^y

Finding an absolute Necessity for the good Goverment of the Church in this Province in order to the promoting and propagating of true religion and Vertue, I have convened the venerable Body of the Clergy who are at this Time met together for that End. p. 32

But as this my Intention will be set in a clearer View by the Speech I made to the reverend Clergy and their Address to me upon it I now Comunicate both to this Generall Assembly and do not doubt but your Zeal for religion will excite you to do what is proper for you in your Stations, for the Advancem^t of the Aforementioned Intention of the meeting of the Reverend Clergy at this Season.

Some of the reverend Clergy have Informed that they are preparing a Representacon to be laid before both Houses which will be Soon offered to your Consideracōn.

At the foot whereof was the following Message from the upper House viz.

By the Upper House of Assembly
Aprill the 29^th 1718

Gent:

His Excy having been pleased to lay before us the foregoing with a Copy of his Speech to the Reverend Clergy and their Address to him, We think ourSelves obliged by our duty to God most heartily [to thank] his Excy for his great and pious Care of our religion & at the same time to assure you how readily We shall join with you (on Sight of Such representacon) to do what may be judged necessary and contributing to so good a Work.

Signed p Order
Jn° Beard Cl. up Ho.

Proposed by a Member of this House that forasmuch as there are Severall Elections now to be made the manner whereof is Somewhat altered by the Supplement to the act p. 33

L. H. J. for directing the manner of electing and Summoning Delegates &c: which has Duly past both Houses a Message be prepared desiring his Excy to send for this House up to the Councill Chamber to see that Bill past into a Law that the same may be published.

Col Addison Col Tilghman and M^r^ Lowe from the upper House acquaint M^r^ Speaker that his Excy Comands him and the whole House to attend him at the Councill Chamber.

Whereupon M^r^ Speaker with the whole House went to Attend his Excy, who soon after return and M^r^ Speaker resumes the Chair & reports that his Excy was pleased to deliver himself in the Words following viz:

Gent. of the upper and low^r^ houses of Assembly

You have in the preamble of this wholesome Bill so fully exprest your Inducement & necessity for preparing it that I shall readily pass it into a Law.

And tho I am under no Obligation of giving my reasons on the Occasion yet that all persons concerned may know my Sentiments I now declare that I take it to be highly unreasonable, that the Papists & their Adherents who whenever it is in their Power show such a notable disaffection to our Laws Should be permitted to Vote for the election of the Members of the lower House who Compose so essentiall a part of the Legislature of this Province.

Jo: Hart.

And that after that his Excy was pleased to enact the Sup-
p. 34 plementary Bill to the Act directing the manner of electing and Summoning Delegates into a Law by sealing it with the greater Seale of the right Hon̄ble the Lord Pro^pry^ of this Province and by Endorsing it in the manner following, viz:

Aprill the 29^th^ 1718.

On the behalf of the right Hon̄ble the Lord Prop^ry^ of this Province, I will this be a Law.

Jo: Hart

The House Adjourns till to morrow morning Eight of the Clock

Wednesday Aprill 30^th^ 1718

The house meet according to Adj^t^

Yesterdays Proceedings are read.

Forasmuch as tis represented that there is to be an Election in the City of Annapolis this day for the electing a Represen-

tative for the said City, and for that a Supplementary Act to the Act directing the manner of electing & Sumoning Delegates &c has past both Houses this Sessions which his Excy has assented to, to regulate the manner of Elections, L. H. J.

Ordered that the Sherr. of the City of Annapolis publish the same Act in Order that the Mayor Recorder and Aldermen of the said City Conform themselves thereto.

And Ordered that the following message be prepar'd viz.

By the low^r^ House of Assembly
Aprill the 30^th^ 1718.

May it please your Excy and Honours

It is represented to this House that there is to be an Election this day made in the City of Annapolis for the electing a Representative to serve in the lower House of Assembly, But for that a Supplementary Bill to the Act directing the manner of Electing and sumoning Delegates &c has past into a Law this Sessions to regulate the manner of Eleccōn We have made a Resolve of this House to have the same published by the sherr. of that City imediately for the Govermn^t^ of the May^r^ Recorder & Aldermen of the City in that Election and therefore desire your Excy & Honours Concurrence with us in our Order for the publicacōn thereof p. 35

Sign'd p Ord^r^ M. Jenifer Cl. lo: Ho:

which was sent to the upper House by Esq^r^ Rousby & M^r^ Young. They return & say they delivered it

Ordered that Cap^t^ Frisby and M^r^ Edward Wright return the thanks of the House to the rev^d^ M^r^ Skippon for his Sermons this Sessions and to The Reverend M^r^ Nicholls for his Sermon on the meeting of the Convocation.

The following Message being prepar'd was sent to the upper house by Cap^t^ Mariarte M^r^ Dare M^r^ Vanderheyden Col Herrman M^r^ Waughop & Major Emerson viz.

By the lower House of Assembly
Aprill the 30^th^ 1718

May it please yo^r^ Honours

It is with great Satisfaccon to this House By perusing their L^pps^ Letter to your Hon^rs^ th^t^ We find their L^pps^ so firmly resolved to maintain the Authority of their Government here ag^t^ the many bold and Insolent Attempts of M^r^ Macnemara to the discouragement of such as for the future shall fly in the face of Government.

L. H. J. And We cannot but observe from the Transcript of the Records from Philadelphia that M^r^ Macnemara has not only been obnoxious to Government here but in other Places where he has had any residence so that We hope their L^pps^ will be Sufficiently convinced that the Prosecucons ag^t^ M^r^ Macnemara here have not been carryed on w^th^ partiality, for that he has undergone the same ffate before in other Places purely through his own haughty ambitious Temper and ill Conduct.

Signed p Ord^r^
M: Jenifer Cl: lo: ho:

They return & say they Delivered it.

M^r^ Tyler from the Comittee of Aggrievances delivers M^r^ Speaker Mary Hall's Petition thus endorst viz:

p. 36 Aprill 29^th^ 1718.

Upon reading the within peticon and the Allegacons of M^r^ James Lloyd it is thought fit to be granted and humbly referr it to the Discrecōn of the House for the pet^r^ to bring in a Bill as Pray'd.

Signed p Ord^r^ Phil: Hamond Clk Com^e^

W^ch^ was read and leave given to bring in a Bill as prayed

The Petition of James Philips referr'd to the Comittee of Aggrievances for their Report was return'd from that Comittee thus endorst viz.

Aprill 29^th^ 1718. Upon reading of the within Petition We have heard M^r^ Phillips and do find his request very reasonable and humbly referr it to the house that Leave may be given to the said Phillips to bring in a Bill as pray'd for.

Signed p Ord^r^ Phil: Hammond Clk. Com:

Which was read and leave given to bring in a Bill

Bill repealing An Act to prevent the Growth of Popery was read & Ordered to be thus endorst viz.

By the lower House of Assembly Aprill the 30^th^ 1718
Read the Second Time and will pass.

Signed p Order M. Jenifer Clk lo. ho.

The house adjourns till one of the Clock in the afternoon.

Post Meridiem. The house meets According to Adjournment.

Bill repealing the Act to prevent the Growth of Popery L. H. J.
Sent to the Upper House by Cap^{t} Marriartee Cap^{t} Pollard M^{r} Alex^{r} Warfield M^{r} Meekins M^{r} Taylor & Cap^{t} Baker, they return and say they delivered it.

Ordered the following message Prepared viz:

By the Lower House of Assembly
Aprill the 30th 1718

May it please yo^{r} Hon^{rs} p. 37

In answer to your Message of yesterday by Coll: Holland Coll. Ennalls Esq Hall & Col Addison with his Excy's Speech to the Clergy & their Address to him. We gratefully Acknowledge the Zeal his Excy has always Exprest for the Benefitt and Advantage of the Church establisht by Law among us and begg leave to assure his Excy & yo^{r} Hon^{rs} that whensoever the Reverend Clergy shall be pleased to lay before us their representacon for the farther Advancement of that holy religion We profess We shall proceed to do therein what may be reasonably expected from true members of that Church, with a just regard had to the Constitucon of the Country We represent.

Signed p Ord^{r} M: Jenifer Cl lo ho:

Which was Sent to the upper house by M^{r} Dare Cap^{t} ffrisby, Cap^{t} ffendall, M^{r} R^{d} Warfield, Cap^{t} Dollahide, & Maj^{r} Emerson. They return & say they delivered it.

The peticon of the Mayor Recorder and Aldermen of the City of Annapolis was read and referred till to morrow morning & Ordered the persons concerned appear before this House

The writt of Election issued this Sessions to the City of Annapolis for the electing a member in the stead of M^{r} Benj^{n} Tasker who since last Sessions was made Sheriff of that City was returned to this House whereby it Appears that John Beale Esq^{r} is Elected for the said City. Whereupon the said Beale Appears in this House, & Ordered that M^{r} Hill & Cap^{t} ffrisby go with him to the upp^{r} House to see him Qualifyed by taking the Severall Oaths &c. They return & say they see him Qualified.

Then the said M^{r} Beale Esq^{r} took his Place in the House.

Ordered that M^{r} Beale be added to the Comittee of Accounts in the room of Maj^{r} John Bradford who is lately gone home

Resolved that no peticons be recēd into this House after p. 38
to morrow.

L. H. J. The Pet° of M^r^ Thomas Reynolds is further referred till ffriday next and resolved it shall then be Determined.

M^r^ Richard Warfield is added to the Com^e^ of Elections and Priveledges.

Coll: Holland Coll: Young and Esq^r^ Lloyd deliver M^r^ Speaker the Bill for repealing the Act to prevent the growth of Popery thus endorst viz:

By the upper House of Assembly Ap^l^ the 30^th^ 1718.

Read the first and Second times and will pass with this Amendment made viz^t^ (Chap: the fourth) after mencōning the Statute

Signd p Order Jn° Beard Cl up ho:

Which was read in this house w^th^ the amendm^t^ proposd & past for engrosing w^ch^ was so endorst & sent to the Com^e^ of Laws to be engrost.

Brought down from the Comittee of Laws by Coll: Mackall a Bill reviving an Act for relieving the Inhabitants of this Province from some Aggrievances &c, which was read and ordered to be thus endorst viz:

By the lower House of Assembly Aprill the 30^th^ 1718.

Read the first and Second Times by especial Order and will pass

Signed p Order Mic: Jenifer Cl Low House.

& sent to the upper House by Cap^t^ ffendall & Cap^t^ Baker, they return & say they delivered it.

Esq^r^ Brooke & Esq^r^ Hall from the upper house deliver M^r^ Speaker the following Message viz:

By the upp^r^ House of Assembly
Aprill 30^th^ 1718.

Gent.

p. 39 His Excy having laid before this House part of a Letter to him from his L^pp^ the Lord Prop^ry^ dated the 16^th^ Day of Nov^r^ 1717 relating to the Eight p Cent deducted out of his L^pps^ revenue of the Eighteen pence p hh^d^ in his L^ps^ Words viz: We are well Satisfyed with the Reason of the Assembly's postponing the restoring us the Eight p Cent which was without our Knowledge deducted out of that part of our Revenue, for which We gave up our Quit rents and alienation ffines.

His Excy declares to this House their L^ps^ expect to be restored to the said Eight p Cent having given so valuable a Consideracon for it as the Quit Rents and Alienacon fines.

We having taken into Consideracon his L^pps^ Comands thereupon and finding on your Journall of May Assembly 1717 that you have postponed this Affair unto this Session of Assembly, We Therefore desire you will now enter into the further Consideration of it. L. H. J.

Signed p Order John Beard Cl. up. Ho.

The Consideracon whereof is referr'd till tomorrow. The house adjourns till to morrow morning Eight of the Clock.

Thursday May 1^st^ 1718

The house meet according to Adjournment.

Yesterday's Proceedings are read.

The Report of Conferrees Appointed to inspect the act for ascertaining the Bounds of Land within this Province was Ordered to be entered as follows viz^t^

At a Conferrence appointed by the upper & Lower Houses of Assembly to inspect into the Law for ascertaining the Bounds of Land. p. 40

Who Accordingly meet at the House of M^rs^ Mary Dodd on Tuesday the 29^th^ Day of Aprill 1718. And were present.

The Hon̄ble { Coll. Thomas Ennalls; Coll: Thomas Addison; Coll: Ric^d^ Tilghman & Henry Lowe Esq^r^ } of the upper House.

The Hon̄ble { James Stoddert Esq^r^; Cap^t^ Thos. Trueman Greenfield; Capt. Henry Pere: Jowles; M^r^ James Lloyd; Coll: Edward Scot & M^r^ W^m^ Turbut } of the Low^r^ House.

Who make Choice of Coll: Thomas Ennall to be Chairman and of Phillip Hammond for their Clerk.

And thereupon proceed to inspect and examine into the defects in the said Law and to Consider a remedy to redress the Same.

The Conferrees Adjourn till Wednesday Morning Eight a Clock.

Wednesday Morning Aprill the 30^th^ 1718.

The Conferrees Meet according to Adjournm^t^.

Present as before and proceed to inspect into the Said Law and humbly offer the following remarks to the discrecōn of

L. H. J. the Upper and Lower Houses for their approbation thereon viz:

1st That the Times for Meeting for the Comrs is to be the Second Day of the Severall County Courts.

p. 41 2dly That the Complainant shall give Notice to the Defendt days before he makes his Complaint.

3d That the Comissioners shall Appoint a day for ascertaining the bounds &c: at any Time after five Weeks after the day of Complaint.

4thly That publick proclamacon be made of the day Appointed on the day of Complaint and that notice be set up at the publick places in the County.

5th That the Complainant and Defendant may mutually make Choice of three of the Comissioners to determine the Bounds then such determinacon to be Conclusive, without any review. But if they cannot agree upon their Choice then that the Comrs proceed to Ascertain the bounds and if either party be Aggrieved he may Appeale to three other persons to be Chosen out of the remaining Comissioners of the same and one of the next Adjacent Counties, which three persons shall be made Choice of in manner following viz: each of the parties to choose and they two, to Choose the third whose determinacon shall be finall except in Appeals to England. Provided allways that one of the Comrs be present that gave the first Judgment to give his reasons to the Comissioners of Review for so doing.

6th That more Time be given to Absent persons.

7th That Comrs ascertain the Damages.

8th That the Damages and Costs be upon Execucon to be awarded by the Comissioners

9th That the Comrs of review Value the Land in Case of Appeale to England.

10th That provision be made for those who have lost the Benefit of a review by Absence or Otherwise.

Signed p Order,
Phil: Hammond Clk. of Conferrence

The Consideracōn whereof is referr'd further

p. 42 Mr Bordley from the Comittee of Laws delivers Mr Speaker a Bill for the relief of Robert High and Phill Eilbeck wch was read and ordered to be thus endorst viz:

By the lower house of Assembly May the 1st 1718.

Read the first and Second Times by especiall Order and will pass. Signed p Ordr M: Jenifer Cl: lo: ho:

& Sent to the upper house by Coll: Ward, Capt Baker & Mr Whittington.

They return & say they delivered it. L. H. J.

The Peticõn of John Kirk praying to be reinstated in a Parcell of Land taken away by a survey between John Steevens and Majr Nic° Sewall whereto the sd Kirk was not made a party was read and referr'd for further Consideracõn.

Coll: Tilghman from the upper House Delivers Mr Speaker the following Bills viz:

Bill to enable Benja Howard to Sell Lands in Ann Arundell County and for entailing other Lands in Baltemore County thus endorst viz:

By the uppr house of Assembly May 1st 1718.

Read the first Time in this House & will pass.

Sign'd p Order Jn° Beard Cl up. Ho:

Which was read in this house & ordered to be thus endorst viz.

Eodem die read & past for engrossing

Sign'd p Ordr

M: Jenifer Clk. lo: ho:

and sent to the Comme of Laws to be engrost

Bill for confirming Eliza Devegh's will thus Endorst, viz:

By the upper house of Assembly Aprill the 30th 1718.

This Bill being read and the Qr being put whether it shall pass or not. Resolved by the Majority of Votes it pass.

Signed p Order John Beard Cl: up: ho:

Which was read in this house and on a mocon that a Clause p. 43
be incerted in the said Bill Saving to the lawfull Heirs of the said Eliza Devegh their Right in Case they make Good their Claim in Seven Years,

Ordered the Bill be amended wch was Accordingly amended & read wth the Amendmt propos'd and will pass wch was So endorst & sent to the upper house by Mr Robins Capt Jowles & Capt Dent. They return & say they delivered it

Bill for investing the right Heirs of Edward Day with an Estate in Lands in Somerset County thus Endorst viz:

By the upper House of Assembly May the 1st 1718.

This bill being read a Second time it is thought reasonable that if the Widow of Edward Day has Already had due notice

L. H. J. it will pass with a Clause to be added Signifying the Same but if she has not That Time & notice be given her to be heard in relacon hereto next Sessions.

Sign'd p Order
Jn° Beard Cl: Up: ho:

Which was amended accordingly and past with that Amendm^t^ for engrossing and sent to the Com^e^ of Laws to be engrost.

Coll: Addison from the upper house delivers M^r^ Speaker the Bill reviving an Act for relieving the Inhabitants of this Province from some Aggrievances &c: thus endorst viz:

By the upper House of Assembly May 1^st^ 1718.
Read in this House and will pass. Signed p order
John Beard Cl: up: ho:

Which was read in this House and thus endorst viz:

Eodem Die read again and past for engrosing &
Sign'd p Order M: Jenifer Cl: lo: ho:

And sent to the Com̄ of Laws to be Engrost.

Esq^r^ Hall from the Upper House delivers M^r^ Speaker Cap^t^ John Hardy's Pet° thus Endorst viz:

p. 44 By the upper house of Assembly May the 1^st^ 1718.
The Consideracōn of the within Peticon is referr'd to the lower House of Assembly. Signed p Order.
John Beard Cl. up. ho:

And the Pet° of Monason King of Asotage & his Indians thus Endorst viz:

By the upper house of Assembly May the 1^st^ 1718.
This peticon being read is referrd to the Lower house of Assembly for their Consideration. Sign'd p Ord^r^
John Beard Cl: up: ho:

The Consid^n^ of w^ch^ two Peticons is referrd till the afternoon.

Coll: Mackall from the Comittee of Elections and Privi- L. H. J.
ledges returns the writt of Eleccon for the City of Annapolis thus endorst viz:

By the Comittee of Elections and Priviledges
May the 1st 1718.

We find the within named John Beale a member returned to Serve for the City of Annapolis to be duly elected.
Sign'd p Order Vacll Denton Cl: Come.

wch was read in the House.

The Petition of Thomas Plummer was read and referred till to morrow.

An Engrost Bill for repealing the act to prevent the growth of Popery was read and Ordered to be thus endorst viz:

May the 1st 1718

Read & assented to by the lower House of Assembly, &
Sign'd p Order Mic: Jenifer Cl lo. Ho.

& sent to the uppr house by Capt Mariartee and Capt Pollard. They return and say they Delivered it.

Coll: Tilghman from the upper House delivers Mr Speaker p. 45
the Bill for confirming Elizª Devegh's Will thus endorst viz:

By the upper house of Assembly May the 1st 1718.
We Concurr with the Purport of the last Endorsment.
Sign'd p Ordr Jnº Beard Cl: Up: Ho:

Wch was read and past for engrossing, & Sent to Comittee of Laws to be Engrost.

Collº Ennalls from the upper House delivers Mr Speaker the Peticon of Maurice Birchfield Esqr which was read and referred till the Afternoon. The house adjourns till one of the Clock in the Afternoon.

Post Meridiem. The house meets according to Adjournmt

The peticon of the Indians of Asotage was read and rejected.

The Petition of Maurice Birchfield Esqr praying leave to bring in a Bill to confirm Deeds to Peregrine Browne for Turky Point was read and Ordered that Stephen Knight or

L. H. J. those concerned have notice to Appear next Sessions to Shew why a Bill may not be brought in as pray'd

The house at the request of M[r] George Scott proceed to tax the Fees on his Bill, viz.

To the Hon[ble] Speaker	£3: 0:0
To the Clerk	1:10:0

The peticon of the City of Annapolis is further referred till to morrow Morning.

The House Adjourns till to morrow Morning Eight of the Clock.

p. 46 Fryday May 2[d] 1718

The house meets according to Adjournment

Yesterday's Proceedings are read.

On reading the report of the Conferrees about the Act for ascertaining the Bounds of Land the Question was put whether the act Shall be Amended or stand as it now is. Resolved by the Majority of Votes that the Act be amended.

Then the Question was put whether there shall be a Standing Comission of Review for the severall Counties or whether the Act as it now is shall stand in that respect.

Resolved there be a Standing Comission of review for the severall Counties

Then the Question was put whether that Com[o] Shall be of men in the County where the Land lies or be appointed out of the next Adjacent Co[ties].

Resolved in the County where the Land lies by the Majority of Votes.

Then the Question was put whether the Governour shall appoint the Commissioners of Review or whether they shall be elected by the Inhabitants of the County.

Resolved the Govern[r] appoint them by the Majority of Voices.

Esq[r] Hall from the upper house delivers M[r] Speaker a Bill for the relief of Rob[t] Heigh and Philip Eilbeck, thus endorst viz.

By the upper House of Assembly May 2[nd] 1718.

Read in this House & will pass. Sign'd p Order

John Beard Cl: Upp: Ho:

W^ch was read in this House and past for engrossing and Sent to the Com^e of Laws to be engrost L. H. J.

And the peticōn of Thomas Cooke thus endorst viz.

By the upper House of Assembly May the 2^nd 1718.

The within peticon being Read the Consideracon thereof is referrd to the lower House of Assembly. p. 47

Sign'd p Order. Jn° Beard Cl: upp: Ho:

The Consideracon whereof is referr'd till the Afternoon.

Esq^r Brooke and three others from the Upper House Deliver M^r Speaker the Representacōn of the reverend Clergy w^th a Copy of the Lord Bishop of London's Letter to M^r Christ^r Wilkinson to be Comissary of the Eastern Shore & of his L^pps Letter to the said M^r Wilkinson & a Copy of Instruccōns from her late Maj^ty Queen Anne to his Excy the Governour w^th the following Message viz

By the upp^r House of Ass^ly
May the 2^d 1718.

Gent.

We now send you a Representacon as it is laid before us from the reverend Clergy together w^th Copies of Severall papers relating to them viz. a Copy of the Lord Bishop of London's Commission to the Rev^d M^r Wilkinson to be Comissary of the Eastern Shore and of his L^pps Letter to him, And a Copy of Instruccons to his Excy from her late Majesty Queen Anne. Whereon We desire that Some of the Members of your House may join with Some of this House in a Conference to consult in relation thereto, where the reverend Clergy may be heard on the Said representacon if found requisite.

Sign'd & Order Jn° Beard Cl: Up: Ho:

Which were read and the Consideration thereof is referred till the Afternoon. The house adjourns till one of the Clock in the Afternoon.

Post Meridiem. The house meets according to Adjournment.

John Rousby Esq^r has mocōn th^t urgent Business requires his Attendance at his Office has the Leave of this House to go home.

L. H. J. p. 48 The petition of Thomas Cook is read and referrd to the Comittee of Aggrievances to view the Work and to make their report thereon.

Esq^r^ Hall from the upper House delivers M^r^ Speaker a Complaint exhibited to that House ag^t^ Thomas Macnemara Esq^r^ the Navall Officer of Patuxent for sundry misfeazances wth some Letters and an Account thereto relating thus endorst, viz.

To his Excy John Hart Esq^r^ Governour of Maryland &c^a^

In obedience to your Excy's Comands I have inspected the above Account and do find that by the Officers Adding the Parr to make the Navall Officers and his L^pps^ Shipping Officers fees forty Seven Shillings Sterling there is an overcharge in the Said fees of fifteen Shill^s^ & eight pence Currency. And that the Draw back on Liquors is Denyed to the value of One pound ten Shillings and Six pence Curr^t^ I am your Excys most Obedient humble Servant William Bladen.

By the upper house of Assembly May the 2^d^ 1718.

The Account and the Letters thereto relating are referred to the Consideracon of the lower house of Assembly whether it be not an Oppression & discouragem^t^ to Trade

Sign'd p Order. Jn° Beard Cl: Upp^r^ House

The Consideracōn whereof is referred till to morrow

An engrost Bill to enable Benjamin Howard to Sell certain Lands in Ann ard^l^ Co^ty^ and for entailing other Lands in Balt. Co^ty^ was read and Ordered to be thus Endorst viz:

May the 2^d^ 1718.

Read and Assented to by the Lower House of Assembly & Signed p Order M Jenifer Cl: lo: ho:

An engrost Bill to invest the right heirs of Edward Day with certain Lands in Somerset Co^ty^ was read and ordered to be thus endorst viz:

May the 2^d^ 1718.

Read and assented to by the lower House of Assembly & Signed per Order M: Jenifer Cl: lo: ho:

p. 49 and Sent to the upper house by Cap^t^ Pollard M^r^ Lloyd & M^r^ Turbut, they return and Say they Delivered them.

Bill to confirm Land to Mary Hall read and ordered to be L. H. J.
thus endorst viz:

By the lower House of Assembly May the 2d 1718.

Read the first and Second Times by especiall Order & will pass

Sign'd p Order M: Jenifer Cl: lo: ho:

And Sent to the upper house by Coll: Maxwell & Mr Young, they return & say they delivered it.

On reading Capt Hardy's Petition the follo Message sent to the upper house vizt.

By the Lower House of Assembly May 2d 1718.

May it please yor Honrs

We have read Capt Hardy's petition with Mr Attorney Generall's Opinion thereon in this House but as there are not any Facts therein Set forth whereby We can concieve Capt Hardy to be aggrieved so We know not how to provide for his relief However We begg Leave to observe that the Act of Assembly sufficiently provides for the Speedy recovery of Debts in the County Courts by Sending of Copies of Declaracons with the writts wch as We take it was chiefly design'd for the Interest of Traders and fforeigners.

As to that part of Mr Attorney Generall's Opinion relating to the passing a Bill for the making valid the Depositions of Sea faring men absent of this Province in the Severall County Courts We shall further Consider thereof.

Sign'd p Ordr M Jenifer Cl lo. ho.

by Mr Lloyd Mr Young & Mr Meekins. They return & say they delivered it.

The Representation of the Clergy with Mr Wilkinson's Comission and a Letter from Lord Bishop of London's to him and his Excy the Governour's Instructions were read where- p. 50
upon Ordered the following Message be prepared viz:

By the Lower House of Assembly May the 2d 1718.

May it please your Honours

In Answer to yor Message by Esqr Brooke and three other Members of Your House We have appointed Colo John Mackall, Mr James Lloyd, Mr William Turbutt Capt Henry Peregrine Jowles, Major Thomas Emerson and Mr Nathaniel Dare, to join the Members of your House in a Conference of the representacon of the Clergy who are ready to attend and

L. H. J. desire your Honours will be pleased to appoint the Members of your House that are to join them and the Time of meeting.
Sign'd p Order Mi: Jenifer Cl: lo: ho:

And sent to the upper House by the Gent. Appointed.
They return and say they Delivered it.
Coll° Addison from the Upper House delivers M^r^ Speaker the pet° of the Inhabitants of Prince George's County for removing their Court House to Marlbrough thus endorst viz:

By the Upper House of Assembly May 2^d^ 1718.

The within Petition being received by this House it is recomended to the Lower House of Assembly.

Which was read and the Consideration thereof referred till to Morrow Morning.
p. 51 An Engrost Bill for confirming Elizabeth Devegh's Will.
And an Engrost Bill reviving an Act for relieving the Inhabitants of this Province from Some Aggrievances were read and ordered to be severally thus Endorst viz.

May the 2^d^ 1718.

Read and Assented to by the lower House of Assembly &
Sign'd p order M: Jenifer Cl: lo: ho:

Which were Sent to the Upper House by Cap^t^ ffendall & Cap^t^ Baker. They return & say they delivered them
Coll° Holland Col° Young & Col°Addison from the Upper House delivers M^r^ Speaker the following Message, viz:

By the upper House of Assembly May the 2^d^ 1718.

Gent. In Answer to your Message by Col° John Mackall and five others relating to a Conference on the representacon of the Clergy this House has Appointed Col° W^m^ Holland Col° Young and Col° Addison to join the members Appointed by your House at Six of the Clock this Evening in the Library.
Signed p Order.
John Beard Cl: up^r^ ho:

Esq^r^ Lloyd from the upper House Delivers M^r^ Speaker the following message viz:

By the upper House of Assembly May 2^d^ 1718.

Gent. Whereas by a certain Act of Assembly for ascertaining the Bounds of Land within this Province It is enacted

that all persons who find themselves Aggrieved by the Sen- L. H. J.
tence of any Comissioner of and concerning the bounds of
their Lands may by Applicacon unto his Excy the Governour
of this Province obtain a Comission of review to enquire into
& examine Again the Bounds of Such Land on which the
Comissioners have determined so as af^{d} provided that such
Comission be obtained and executed within three months from p. 52
the Time of Such Sentence or Judgment as Afs^{d} Now M^{r}
Daniel Dullany in persuance to the Direccon of the said Act
hath obtained a Comission of Review to examine the Judg-
ment Sentence or Decree of the Land Comissioners of Prince
George's County upon a Survey lately made of and concerning
the Bounds of a Certain Tract of Land called & comonly
known by the name of Piscattaway Manner but so it is that the
three Months so limited and allowed as af^{d} Since the Sentence
of Comissioners af^{d} will expire on the tenth day of this present
Month of May & forasmuch as the Assembly now Sitting
Two Members of this House & others of your House thought
fit to be at the said Review cannot well be Spared at this Time
in order to do Justice in the Case af^{d}, It is proposed that a
Short Bill be prepared in your House to allow Such longer
Time as shall be thought convenient for the Execucon of the
Comission of review Af^{d}

Signed p Order Jn^{o} Beard Cl: up. ho:

Ordered the following Message be prepared viz:

By the lower House of Assembly May 2^{d} 1718.

May it please your Excy & Hon^{rs}

On reading the Report of the Conferrees appointed to In-
spect the Law for ascertaining the Bounds of Land &c^{a} We
agree that the Act shall be Amended according to the 1st 3^{d} 7th
8th & 9th Articles of that Report and to the 2^{d} Article We have
agreed that the party who is Desirous to Complain shall
publish his Intencons of Ascertaining the Bounds of his Lands
twenty Days before Applicacon made to the Com^{rs} By Setting
up notes at the Court House and Parish Church where the p. 53
Land lyes And as to the fourth Article We agree that notice
shall be given on the Day of Complaint to all Persons of the
Meeting of the Comissioners to be Publisht at the Court
House and Parish Church where the Land lyes as to the 5th
Article We agree that the Complainant and defendant may
Mutually make Choice of three of the Com^{rs} to Determine the
bounds of their Lands which Choice and Determinacon shall
be Conclusive without any review But if they can't agree on
their Choice that then the Comissioners shall proceed to

L. H. J. Ascertain the Bounds from w^ch^ Judgment an Appeale is Allowed to Comissioners to be Appointed by the Governour who are residents in the County and are to be Standing Comissioners to hear all Appeals in that County they belong to. As to the Seventh Article we agree that two years time be allowed to Absent persons. As to the tenth Article We agree that three months time from the End of this Sessions be allowed to those who have lost the Benefit of their Review on the Act now in force and have petitioned this Assem^bly^ for relief to be Determined in the same manner as that act directs and Desire your Excy & Honours Concurrence with the Amendm^ts^ in the Report of the Conference and this Message Menconed.

Signed p Order M: Jenifer Cl: lo: ho:

A Supplementary Bill to the act for better Administracon of Justice in Testamen^ry^ Affairs was read and ordered to be thus endorst viz:

By the Lower House of Assembly May 2^d^ 1718.

Read the first time and ordered a Second reading to morrow

Signed p Order M: Jenifer Cl: lo. ho.

The Peticon of Thomas Reynolds is further referr'd till to morrow morning.

p. 54 The Petition of the City of Annapolis is further referr'd till to morrow morning.

The House Adjourns till to morrow morning Eight of the Clock.

Saturday May 3^d^ 1718

The House meets According to Adjournm^t^

Yesterdays proceedings are read.

The mocõn made by the Committee of Accounts referr'd from last Sessions relating to the Councillors allowance is further referr'd till next Sessions.

The Supplementary Bill to the Act for better Adm^n^ of Justice in Probat of Willes &c^a^ was read & thus Endorst viz^t^

By the Low^r^ House of Assembly May the third 1718.

Read the Second time & will Pass. Signed p Order.

M. Jenifer Cl lo: ho:

and sent to the upper House by M^r^ Tyler M^r^ Warfield & M^r^ Young, they return & say they delivered it.

M^r^ Robins from The Comittee of Laws delivers M^r^ Speaker L. H. J.
an engrost Bill for the relief of Robert High And Phil: Eilbeck which was read & thus endorst viz.

May the 3^d^ 1718.

Read and Assented to by the Lower House of Assembly &
Signed p Ord^r^ M: Jenifer Cl: lo. ho.

Which was Sent to the upper House by Cap^t^ Greenfield and M^r^ Beale, they return and say they delivered it.

The Peticōn from Prince Georges County was read and the Question being put whether a Bill shall be brought in or not, Resolved in the affirmative by the Majority of Votes. Bill for p. 55
Supplying Defects in a Conveyance from Cary Burridge and Cole to Browne was read & thus endorst viz:

By the lower House of Assembly May the 3^d^ 1718.

Read the first and Second times by especiall Order & will pass.

Sign'd p Order M: Jenifer Cl: Lo. Ho:

& sent to the upper house by M^r^ Tyler and M^r^ Warfield
They return & say they delivered it.

M^r^ Tyler from the Comittee of Aggrievances delivers M^r^ Speaker the following Report viz:

At a Comittee holden at M^rs^ Mary Dodd's the 2^d^ day of May 1718.

Present

M^r^ Robert Tyler Chairman
M^r^ Charles Wright
Coll: Nath^l^ Hynson
Cap^t^ Daniel Mariarte
Capt. Thomas Dent

Who Proceed the Same day to hear the Aggrievance offered by M^r^ John Brannock.

The aggrievance which was offered by M^r^ John Brannock was whether a Member of this Hon̄ble House taken in Execucon within Twenty Days after the Prorogacon of the Assembly before this last Sessions be not a Breach of Priveledge.

Upon the hearing of Severall Debates it is the Opinion of this Comittee that it is a Breach of Priviledge of the House therefore referr it to their Consideracon

Signed p Ord^r^ Phil: Hamond Cl. Com.

L. H. J. The Same day it is offered as an Aggrievance by Col° Nathaniel Hynson that upon the Third Day of March last one Richard Snowden of Ann arundell County Came to the house of the Said Hynson and out of his Said House took a silver Can by way of Distraint for Land rent as he pretended.

p. 56 It is therefore left to the Consideracōn of the House whether the said Snowden could distrain or not in Such manner as he did

Signed p Order Phill Hamond Clk Com

On reading the first part whereof offered by M^r^ Brannock and M^r^ Reynolds peticōn resolv'd the same is a Breach of Priveledge and that the said John Brannock be not taken till after this Sessions

And as to the last part of that report relating to Coll Hynson and Richard Snowden the same is referrd till next Sessions and ordered that the said Snowden appear then to answer the same and leave is given to Subpœna Evidences.

Col° Mackall from the Conferrence appointed on the representacon of the Clergy returns the following report viz:

Maryland ss. At a Conference appointed by his L^pps^ upper & low^r^ Houses of Assembly to Consult on the representacon laid before the said Houses by the Reverend Clergy of this Province held in the Library on the Second day of May Anno D^mi^: 1718 Present

The hon^rble^ { Col° W^m^ Holland, Col° Sam^ll^ Young &, Col° Tho^s^ Addison } Members of the upper House.

The hon^ble^ { Col° John Mackall, Maj Thomas Emerson, Capt Henry Pere: Jowles, M^r^ Nathaniel Dare, M^r^ James Lloyd &, M^r^ William Turbut } Members of the Lower House.

Who make Choice of Col W^m^ Holland to be Chairman & of John Beard to be their Clerk.

p. 57 The Conference adjourns till to morrow morning Seven a Clock.

May the 3^d^ 1718

The Conference meet: present as Yesterday.

In Answer to the Representation of the reverend Clergy laid before the upper and lower Houses of Assembly to re-

move Such obstruccons which Seem to impede the Ecclesi- L. H. J.
asticall Jurisdiction and Authority in this Province of the right reverend the Lord Bishop of London, This Conference think themselves obliged by their Duty to God to Yield all due Obedience to the Discipline of our Mother Church of England as by law established but as this Infant Province has not hitherto had the Ecclesiasticall Jurisdiction exercised in it And therefore are in a great part Strangers to it's Powers and Authorities of punishing Crimes and Offences whereby We are rendred uncapable of Judging how farr it may have power to punish those Crimes that at the same time may be punishable in the Severall Courts of Law in this Province, w^{ch} if so would be very grievous to the people. The Consideration of which they humbly Conceive would be a Work that may require length of Time Wherefore they humbly offer the further Consideracon thereof of his Excy & the two Houses of Assembly.

Sign'd p Order Jn° Beard Cl Conferrence

Which was read and referred till the afternoon.

The house adjourns till one a Clock in the afternoon.

Post-Meridiem. The house meet According to Adjournment.

The pet° from the City of Annapolis read & Leave is given to bring in a Bill as prayed as to the City but no wise to Meddle with the Town Comon and that ten Acres more be laid out in twenty Lots.

On a mocōn made on behalf of Maurice Birchfield Esq^{r} to p. 58
withdraw his Petition Leave is given to withdraw the Same.

On reading the Report of the Conferrees on the representacon of the Clergy this House agree wth their Opinion & think that the putting the ecclesiasticall Laws in force here would be altogether impracticable and therefore referr the Consideracon Thereof to the upper House of Assembly and Ordered the following Message be prepared viz.

By the lower House of Assembly May the 3^{d} 1718.

We have read the Report of the Conferrees appointed to consult on the Clergy's representacon and agree wth them in Opinion that the putting the Ecclesiasticall Laws in force here

L. H. J. would be altogether impracticable and therefore referr the Consideration thereof to your Honours.

Signed p Order Mic. Jenifer Cl lo. ho

& sent to the upper House by Col° Mackall M^r^ Taylor and M^r^ Wright.

They return and say they delivered it.

Bill for limiting the Continuance of Accōns was read and thus Endorst viz.

By the low^r^ House of Assembly May the 3^d^ 1718.

Read the Second Time and will pass.

Signed p Order M: Jenifer Cl: lo: ho:

and sent to the upper House by Major Harris Capt. Frisby Cap^t^ Jowles & Major Emerson.

They return and say they delivered it.

On reading the Complaint ag^t^ M^r^ Macnemara and the Account therewith sent Ordered the following Message be prepared viz:

By the lower House of Assembly May the third 1718.

p. 59 May it please yo^r^ Hon^rs^

If the facts in the Complaint are true We Concurr with your Honours in Opinion that tis a great Oppression and Discouragement to Trade, And as to the Overcharge of 15^s^ 8^d^ Curr^cy^ We are of Opinion that the Complainant may be relieved by prosecuting on the Act of Assembly that Limitts the Navall Officers Fees.

Signed p Order M. Jenifer Cl: lo. ho:

and sent to the upper House by Cap^t^ ffrisby & M^r^ Taylor. They return and Say they delivered it.

Ordered that Cap^t^ ffrisby and M^r^ Turbut go to the upper house to see M^r^ Bladen prove his Navall Officer's Accounts. They return and Say they see him prove them.

Coll° Addison from the upper House delivers M^r^ Speaker the Bill to confirm Lands to Mary Hall thus endorst viz^t^

By the upper House of Assembly May the 3^d^ 1718.

Read the first and Second Times and will pass.

Signed p Order John Beard Cl. Up: ho:

which was read again in this house and past for engrosing, and sent to the Com^e^ of Laws to be engrost. The following

Message sent to the upper House by Col Scot Maj. Harris Capt. Fendall & Mr Whittington L. H. J.

By the lower House of Assembly May the 3d 1718.

May it please yor Honours

We having taken in Consid^n Your Message of Wednesday last by Esqr Brooke & Esqr Hall in relacōn to the Deduction of Eight p Cent on the eighteen pence p hhd and on our perusall of our Journall of May Assembly 1717, We find that by a Message to yr Honours of the 8th of June last We made a Clear State of that Case to which We shall only add that as p. 60 that Mony was raised Conditionally for his L^pps use if he was pleased to accept thereof and if not for the defraying the publick Charge so on his L^pps Pleasure of Acceptance Signifyed We wholly resigned our Intrest therein for his L^pps use without any Claim of Deduction thereout But must confess if on his L^pps refusall to accept it the mony had been applyed to the use of the publick the Navall Officers would have had a right by law to deduct their Sallary of Eight p Cent agt us and cannot alter our Opinions that as his L^pp accepted thereof he took it as it was raised under the like Incumbrances We should have had it in Case he had not accepted it But if any Disputes be in this part it can in nowise affect us but lies properly betwixt his L^pp and those Officers.

Signed p Order M: Jenifer Cl: lo: ho:

They return and say they delivered it.

The House Adjourns till Monday Morning Eight of the Clock.

Monday May the 5th 1718

The house meet according to Adjournment. Saturday's proceedings are read.

An Engrost Bill to Confirm Lands to Mary Hall read and Ordered to be thus endorst viz:

May the 5th 1718.

Read and Assented to by the lower House of Assembly &

Signed p Ordr Mic. Jenifer Cl: Lo. Ho:

And Sent to the upper house by Mr Charles Wright and Capt Baker, they return and say they delivered it.

The petition of Maurice Birchfield Esqr praying Leave to p. 61 bring in a Bill to confirm a Conveyance from Chilton to

L. H. J. Browne for Turky Point and desiring to be heard by Councell was read and leave is given the pet^{r} to be heard by Councell

Esq^{r} Lowe from the upper House delivers M^{r} Speaker a Bill Limiting the Continuance of Accōns &c^{a} thus endorst viz.

By the upper House of Assembly May the 5th 1718

Read and will pass with the following Amendments viz. That thirteen months Time be allow'd in the inferior Courts & 25 Months in the Superior Courts accept in Cases where Evidences are wanting from beyond Seas and this at the Discrecon of the Judges before whom such Causes shall be depending and if the default be in the prosecutor there to be a Discontinuance but if in the Defence Judgment for the plaintiff. Signed p order John Beard Cl: up. ho.

Which was read with the Indorsment and sent to the Comittee of Laws for Amendment.

And the pet^{o} of Esther Smith & Esther Oldfield thus Endorst viz:

By the upper House of Assembly May the 5th 1718.

Upon reading the within Pet^{o} this House is of Opinion that the Pet^{rs} are objects of Charity & that by the corrupt and Malitious Evidence of the prosecutors they have suffered unjustly wherefore We referr their Deplorable and unhappy Circumstances being charged with great fees (all of which are remitted except the sherr^{s}) unto the Consideracōn of the lower House of Assembly and further propose that after Such Abatements are made on the Sherr fees as may be thought
p. 62 reasonable the said persons may be set at large from their unhappy Confinements at the publick Charge.

Signed p Ord^{r}
John Beard Cl up ho:

which was read and ordered the Comittee of Laws prepare a Bill for their relief.

Coll^{o} Holland from the upper House Delivers M^{r} Speaker the following Message viz:

By the upper house of Assembly May the 5th 1718.

Gent. Forasmuch as his Excy has laid before this House as an Aggrievance that for three years past there has but very few Patents come forth of M^{r} Carroll's Office to the Prejudice of those who have paid for drawing the same and John Beale

Esq^{r} one of the Members of your House knowing something thereof We desire leave of your House for the said M^{r} Beale to attend this House to inform us therein. L. H. J.

Signed p Order
John Beard Cl: up: ho:

Whereupon the said M^{r} Beale has leave of this House to go who Accordingly went

A Bill for removing Prince George's County Court House to Marlbrough was Read the first Time and ordered a Second reading in the Afternoon & was so endorst.

The house adjourns till one of the Clock in the afternoon.

Post Meridiem. The house meets according to adjournm^{t}

The petition of Maurice Birchfield Esq^{r} being read and he being heard by his Councell thereto according to the prayer of his pet^{o},

Resolved that the Same be referred till next Sessions & p. 63
Ordered that the Clerk of this House write three severall Copies of a Lre of Notice to Chilton's and Robinson's Heirs to be sent to M^{r} Knight by him to be sent to them.

Afterwards on a moc$\bar{o}$n made for the withdrawing the same is delivered to Tho^{s} Macnemara Esq^{r} for the Behalf of the said Birchfield.

Col^{o} Young from the upper House delivers M^{r} Speaker the following Message viz:

By the upper House of Assembly May 5th 1718.

Gent:

His Excy reminding us of the act made in June 1715 for continuing the payment of the 12^{d} p hh^{d} from the Death of the right hon^{ble} Charles late Lord Baltemore to the 29th of September following. We think it very Convenient that you should enquire into the disposicon of such mony as has been raised on the Account of that duty of 12^{d} p hh^{d} that it may be discovered whether any part & how much thereof may belong to the Publick of this Province seeing that by the Terms of the Act Af^{d} it was concluded that if his L^{pp} would not accept of the 12^{d} p hh^{d} Af^{d} as a Consideracon for taking His Quit Rents at 2^{d} p ^{l} in Tobacco that then all such mony so raised Should be Applyed to the use of the publick of this Province.

Signed p Order Jn^{o} Beard Cl. up. ho.

Bill for removing Prince George's County Court House was read again and will pass which was So endorst and Sent to the Upper House by Coll^{o} Maxwell Cap^{t} Codd and Cap^{t} Fendall.

L. H. J. They return and say they delivered it

p. 64 Esq^{r} Hall from the upper House delivers M^{r} Speaker the following Message viz:

By the upper house of Assembly May 5th 1718.

Gent.

His Excy having offered to this House th^{t} for three years last past very few Patents have issued out of his L^{pps} Land Office and that the Occasion thereof was that M^{r} Charles Carroll would not pass any Patents [but] what bore Teste our trusty and well beloved Charles Carroll Esq^{r} his L^{pps} Chief Agent of our Land Affairs; which being highly Derogatory to the Office of Keeper of the great Seale of this Province His Excy did not think Advisable to consent thereunto M^{r} Carroll also refused to issue out any patents unless he might have one half of the fees of the Seale notwithstanding that the Seale was by their L^{pps} Especiall Order taken out of his hands and lodged with the Governour and Keeper thereof by which means very few patents have issued out of the Office since that Time to the Manifest Prejudice of many the good People of this province who as We have been informed has long since paid the fees of the said Patents; We therefore recomend this matter together wth the inclosed Certificate to the Consideracōn of your House as a Publick Aggrievance of the whole province.

Signed p Order Jn° Beard Cl. up. ho.

In Answer to which the following Message was Prepar'd viz.

By the lower House of Assembly May the 5th 1718.

May it please yo^{r} Honours

In answer to your Message of this day by Esq^{r} Hall; as to

p. 65 M^{r} Carroll's insisting on the Patents issuing forth in the Style therein menconed We agree in Opinion that the same is highly derogatory to the Office of Keeper of the great Seale and likewise that his refusing and delaying to issue the Patents where the People had taken the Proper Methods towards the obtaining them unless he was to be paid the one half of the fees of the Seale is a manifest Prejudice as well to my Lord in the discouraging the Cultivacon of his Lands as to the People in hindring them from making their proper Improvements, and observe that if M^{r} Carroll has recēd the fees where he has not made out the patents the people may have their Remedy ag^{t} him in Comon Law.

Signed p Order M: Jenifer Cl: lo ho:

And sent to the upper house by Mr James Lloyd & Capt Fendall. They return and say they Delivered it. L. H. J.

The Mayor Recorder & Aldermen of the City of Annapolis praying Leave to be heard on their Pet° in relation to the Town Comon appeared in the House, who being heard and their Allegacons Considered The further Consideracon thereof is referr'd till next Sessions of Assembly at which Time it is Ordered that Lancellot Todd be ordered to appeare.

Mr Tyler from the Comittee of Aggrievances delivers Mr Speaker the following Report of that Comittee viz:

Monday May 5th 1718.

At a Comittee of Agrievances held at the house of Mrs Mary Dodd. Were present.

Mr Robert Tyler Chairman p. 66
Mr Charles Wright
Col° Nathn Hynson
Capt Dan[ll] Mariartee
Capt Thomas Dent

Who the same day represent it as an Aggrievance that a great Number of the Inhabitants of this Province have been Subpœnaed to appear at the high Court of Chancery to answer the Bill of Complaint of Maurice Birchfield Esqr upon Suggestion that they were indebted to a Certain John Goodwin, and other Merchants in London, before making any Demand or giving Notice of Such their Claim Some of which never had any dealings with the Merchts they are Charged Debtors to others have been large Creditors instead of Debtors and many tht were Debtors did by the Merchants own Accounts owe but very Small and Trifling Sumes Short of six Pound which by the Laws of the Land are not cognizable in the Chancery Court Notwithstanding which Such Persons have been obliged to Make Answers and defend their Suites to their Great Expence and neglect of their Business in attending of Courts & when on a hearing the greatness of their Oppressions by such Severe Prosecucons have been made Appear they have been Dismissed the Court but could recover no Costs agt the said Birchfield because of his Acting on behalf of the Crown, alto the trouble and Charge of Such Defence might have been Saved to the People in Case the said Birchfield or his Attorney had not proceeded after so uncommon and imethodicall a manner agt the Severall Defendants without demand or Notice p. 67
Severall of them having declared in their Answers upon Oath that they were never demanded by the Said Maurice Birchfield Esqr or any other on her Majesty's behalf to give any

L. H. J. Account of the matters in the Bill untill they were served with Subpeena's to answer the Same of Which they declare the said Maurice Birchfield might have had the Utmost Satisfaccon they were able to give upon Subpœna to testify or request made without being put to the unnecessary Charge to answer the Same.

It is therefore the humble opinion of this Comittee that the said Maurice Birchfield Esq^{r} or others Concerned in the prosecution Af^{d} have made an undue use of his Majesty's Name & Authority to the oppression of his good Subjects here and that Such proceedings could never be agreeable to the Designe of the Trust reposed in him or them.

Signed ꝑ Order.
Phil: Hamond Cl: Comittee.

The House Adjourns till to morrow morning Eight of the Clock.

Tuesday May the 6th 1718

The House meet according to Adjournment

Yesterday's Proceedings are read.

Esq^{r} Lowe from the Upper House delivers M^{r} Speaker a bill to Supply defects in a Conveyance from Cary Burridge and Cole to Browne thus Endorst viz:

May the 6th 1718.

Read the first Time and will pass.

Signed ꝑ order Jn^{o} Beard Clk up ho:

p. 68 Which was read in this House and the Question being put whether the same shall pass for engrosing or not

Resolved in the Affirmative by the Majority of Votes. Whereupon the same was past for engrosing and Sent to the Com^{e} of Laws to be engrost.

And the Petition of Dominick Kenslagh thus Endorst viz:

By the upper house of Assembly May the 6th 1718.

Read and referr'd to the Consideration of the Lower House.

Sign'd ꝑ Ord^{r} Jn^{o} Beard Cl Up. Ho.

Which was read and leave given to bring in a Bill as prayed and Ordered the Com^{e} of Laws Prepare the Bill.

Coll° Addison from the upper House delivers M^r^ Speaker L. H. J.
the Bill for removing Prince George's County Court House
thus Endorst viz:

By the upper House of Assembly May 6^th^ 1718.
Read the first time and by especiall Order will pass.
Signd p Order Jn° Beard Cl: up. ho.

Which was read and ordered to be thus endorst, May 6^th^
1718 read & past for engrosing.
Signed p Order Mic Jenifer Cl Lo. Ho.

And sent to the Comittee of Laws to be engrost.
Col° Tilghman from the Upper House delivers M^r^ Speaker
The Pet° of the Vestry of S^t^ Ann's Parish thus Endorst viz:

By the Upper House of Assembly May the 6^th^ 1718.
This pet° being read tis referred to the Consideration of
the lower House.
Signed p Order Jn° Beard Cl: Up. Ho:

Which was read and ordered that the parties Concerned
appear this Afternoon.
And the peticon of John Steele Esq^r^ praying Leave to bring
in a Bill to Qualifie him for the holding Offices notwithstand-
ing his not being in the Province three years thus Endorst
viz:

By the upper house of Assembly May 6^th^ 1718. p. 69
Gent.
The Pet^r^ being recomended to his Excy's Favour by Gentle-
men of Worth & Honour who by their Stations are in a Ca-
pacity of doing particular Services to this Province at the
time of any emergency, His Excy joins with this House in
representing the pet^r^ as a proper object of your Consideracon
upon his prayer for an Indulgence ag^t^ the Act of Assembly
that unqualifies psons for the enjoyment of any Offices within
this Province till they have been three Years residents in it.
Signd p Order Jn° Beard Cl Up Ho:

Which was read and leave given to bring in a Bill as prayed.
The Peticon of Mary Creagh read and Ordered she be pro-
vided for in the Bill for Relief of Smith Oldfield and Kinslagh.

L. H. J. The Report of the Comittee of Aggrievances relating to Maurice Birchfield Esq^{r} was thus endorst viz:

By the lower House of Assembly May the 6th 1718.

May it please your Honours

On reading the within Report of the Comittee of Aggrievances this House Concurr therewith and desires your Honours will be pleased to join with us in an address to his Majesty for the preventing the like Aggrievances for the future

Signed p Order M: Jenifer Cl: lo: ho:

and Sent to the upper House by Coll° Mackall Cap^{t} ffrisby and Capt Pollard.

They return and say they delivered it.

p. 70 The following Message being prepared viz:

By the Lower House of Assembly May the 6th 1718.

May it Please your Hon^{rs}

We agree with your Hon^{rs} Opinion on the endorsment on the Bill for Limitacon of Accons &c^{a} Save that nineteen Months are thought sufficient for the Continuance of any Accon in the Provinciall or high Court of Appeals And further We begg Leave that a Clause may be added to that Bill whereby (in Cases of rehearings or reviews on the Decrees of the Chancery Court) the Members of the Councill may be joined with the Chancellor or Keeper of the great Seale for the Time being to sit as a Court of Judicature and have a Voice in the passing Decrees or other Sentences on Such Rehearings or Reviews.

Signed p Order. M: Jenifer Cl: Lo: Ho:

Was Sent to the upper house by Col° Maxwell M^{r} Young and Capt Baker. They return & Say they delivered it.

A Bill for the relief of Severall poor prisoners therein menconed was read and ordered to be thus endorst viz:

By the lower house of Assembly May the 6th 1718.

Read the first and second times by Especiall Order & will pass

Signed p Ord^{r} M: Jenifer Cl: lo. ho:

And sent to the upper house by Cap^{t} Mariarte and M^{r} Waughop. They return and say they delivered it.

Col° Tilghman and M^r^ Lowe from the upper House De- L. H. J.
liver M^r^ Speaker the foll Message viz:

By the upper house of Assembly May the 6^th^ 1718.

Gent.

On reading the report of the Conference on the Land Law p. 71
and your Message thereon We Concurr with your House therein with this Difference that there be no Appeal to Comissioners of Review but that nine Comissioners being men of the best reputacon in the County for Ascertaining Bounds of Land in each County be Appointed that contending persons may have the better Choice of Such and so many of them as they Shall Approve of to determine their Controversies not being less than three whose Determinacon shall be finall but if any Person Shall be obstinate and not agree upon a Choice then the Major part of the Comissioners to proceed to determine the Bounds in Dispute from whose Determinacon there shall be no appeal but to England where the matter in Controversy amount to the Value of Three hundred pounds Sterling of which the said Comissioners to be Judges. Signed p Order

John Beard Cl. Up. Ho:

Which was read and Ordered the Comittee of Laws amend the Bill Accordingly.

M^r^ Robins has the Leave of this House to go home for that one of his Children is dead since his coming to this Sessions and another Dangerously ill.

M^r^ Tyler from the Comittee of Aggrievances delivers M^r^ Speaker the following report viz.

Tuesday morning May the 6^th^ 1718.

The Comittee meet according to Adjournm^t^

Present as before And proceed to view the house of Maga- p. 72
zine for Arms and find that, that Roome is three foot Longer than by Agreement it ought to have been.

Likewise find that the back Building is eleven Inches longer than by Agreement it ought to have been.

Likewise the Frontispiece is more then Concluded upon in the Agreement

And as to the Work in generall it is the Opinion of this Comittee that it is well done and humbly referr it to the Consideracon of the House.

Signed p Ord^r^ Phil: Hamond Cl: Com:

L. H. J. The same Day it is Offered to this Comittee as an Aggrievance that the Practice of feigned Recoveries of Lands intailed
p. 73 at Comon Law has been already practised in this province and found Pernicious to the Inhabitants thereof.

It being Thought an Aggrievance by this Comittee it is Therefore left to the House for their Consideracon.

Signed p Order Phil. Hamond Cl: Com:

Which being read the Consideration of the first Part thereof is referred till the Afternoon.

As to the other part thereof relating to the Cutting of Entailes The Question was put whether the Same is an Aggrievance or not.

Resolved the Same be an Aggrievance, The Consideracon thereof is referred till next Sessions of Assembly

The House adjourns till one of the Clock in the Afternoon

p. 74 Post Meridiem The House meets According to Adjournment

An engrost Bill for removing Prince George's County Court House was read and Ordered to be thus endorst viz:

May 6th 1718.

Read & Assented to by the Lower House of Assembly, &

Signed p Order M: Jenifer Cl: Lo. Ho:

An engrost Bill for Supplying Defects in a Conveyance from Cary Burridge and Cole to Browne was read and ordered to be thus endorst viz.

May the 6th 1718

Read and Assented to by the Lower House of Assembly and

Signed p Order M: Jenifer Cl: Lo. Ho:

& Sent to the Upper House by Capt Pollard Mr Baker & Mr Taylor.

They return & say they delivered them.

The Report of the Comittee of Aggrievances relating to Thomas Cooke was read & Resolved the Sume of One hundred pounds Sterling more then already [raised be] paid to the Said

Cooke at the finishing the Magazine out of the three pence p hh^{d} for Arms and ordered the foll^{o} Message be prepared viz: L. H. J.

By the lower House of Assembly May the 6th 1718.

May it please your Excy & Hon^{rs}

On reading and Considering the peticon of Thomas Cooke referr'd from your House and also upon the work done to the Magazine for Arms and examining his Accounts whereby We find that he has expended much more than was to be paid him p. 75 by the Originall Contract We have resolved that the sume of One hundred pounds Sterling more than what is already raised be allowed and paid to the said Cooke at the finishing the said Magazine out of the three pence p hh^{d} for Arms &c^{a} with which We desire your Excy & Honours Concurrence.

Signed p Order M: Jenifer Cl: Lo. Ho:

And Sent to the upper House by M^{r} Tyler & Coll Ward. They return and Say they Delivered it.

Ordered that Charles Carroll Esq^{r} the late Agent for the Lord Baltemore attend this House imediately to give what Inform^{n} he is capable of whether the Lord Benedict late decēd or his Ex^{rs} ever Signified their Accept^{e} of the twelve Pence p hh^{d} which was continued by an Act made in June 1715 till the 29th day of September following and was to be paid to the Said Lord Benedict on the Same Consideracons his Father had before accepted the Same.

M^{r} Tyler has the leave of this House to go home for that one of his Children is now dangerously ill.

This House at the request of Maj^{r} Ja^{s} Phillips tax the fees on his Bill viz:

To the Hon̄ble the Speaker	£6: 0:0
To the Clerk	3: 0:0

to be paid by the Said Major James Phillips

The house also proceed to tax the fees on the Severall Bills p. 76 following to the hon^{ble} Speaker and the Clerk of this House viz.

On Benjaman Howard's Bill to the hon̄ble Speaker	2.. 0..0
To the Clerk	1.. 0..0

to be paid by Benj. Howard

On the Bill for confirming Eliz^{a} Devegh's Will to the hon̄ble Speaker	3.. 0..0
To the Clerk	1..10..0

To be paid by Abraham Taylor and Capt. Dollahide

L. H. J. On Mary Hall's Bill To the Honble Speaker 1.. 0..0
To the Clerk 0..10..0
To be paid by the said Mary Hall
On the Bill for removing Prince George's County Court House To the Honble Speaker } 8..—..–
To the Clerk 4..—..–
To be paid out of the Subscriptions.

Bill for Qualifying John Steel Esq^{r} to hold Offices within this Province &c was read and ordered to be thus endorst viz:

By the lower House of Assembly May the 6th 1718.

Read the first and Second times by especiall Order and the Question being whether the Same shall pass or not,

Resolved in the Affirmative by the Majority of Votes.

Signed p Order M: Jenifer Cl. Lo. Ho:

p. 77 And sent to the Upper House by Coll° Scot and M^{r} Dare.

They return and say they delivered it.

M^{r} Carroll according to the Order of this House appears and being demanded by M^{r} Speaker whether he knows anything relating to the Acceptance of the 12^{d} p hh^{d} by the Lord Benedict's Ex^{rs} Gives this House an Acco^{t} thereof but being desired to reduce the same into writing Promised to do it to Morrow and withdrew.

Col° Young from the upper house delivers M^{r} Speaker the following Message viz.

To the Lower House of Assembly

Gentlemen: On my undertaking the building of the Magazine for Arms the Country allow'd me 500^{t} Sterling and in the next Assembly following fifty pounds more of which I have made out an Account at the Bottom of this But as I find there is only an Ordinance of Assembly and no Direction to any particular persons to pay the 550^{t} Sterl. above menconed, Coll° Young who is your Treasurer did not think it advisable to pay me the Ballance you will find due to me.

I therefore desire you will please to direct the Treasurer to pay me that Ballance or by the hands of any other person as you shall direct

Jo: Hart.

The Province of Maryland D^{r} ꝑ Contra C^{r} L. H. J.

	£. s. d.		l: s. d.
To your Order for Building the Magazine for Arms	500	Recēdof Jn^{o} Rousby by bills of Exch^{a}	317..8.. 4
To your further Order on the Same Acco^{t}	50	Recēd of W^{m} Bladen by Bills of Exchange	129..2..11
	£550	Ball. due.	103..8.. 9
			550

Mem^{d}.

That I engage to make your 550^{l} Sterling 715^{l} Current money of this Province. John Hart.

In Answer to which the following Message viz. p. 78

By the lower House of Assembly May the 6th 1718.

May it please your Honours

His Excy having represented to this house by his Account that there Still remaines due to him the Sum of £103..8..9 Sterling part of the 550^{l} Sterling ordered to be expended in building a Magazine desires that the Treasurer may be ordered to pay him that Sume but for that the Said Ballance is to be paid out of the three pence ꝑ hh^{d} w^{ch} by Direction of the Act of Assembly is to be disposed of as his Excy & your Hon̄ours shall direct We therefore humbly Desire that your Honours will be pleased to order the paym^{t} of the Ballance af^{d} to his Excy in such manner as you shall think fit.

Sign'd ꝑ Order M: Jenifer Cl: lo. ho.

And Sent to the Upper house by M^{r} James Lloyd and M^{r} Waughop.

They return and say they delivered it.

Esq^{r} Lowe from the upper House Delivers M^{r} Speaker the following Message viz:

By the Upper House of Assembly
May the 6th 1718.

Gent.

On reading your Message by M^{r} Rob^{t} Tyler and M^{r} John Ward We perceive that you have made a Computacon of the Value of the workmanship Of the Magazine built by Thomas Cooke And that you have resolved that he shall have One hundred Pounds Sterling more for finishing the Same. This house desires you to Acquaint them whether he made any Proposicons to you of what Work yet remains unfinisht th^{t}

L. H. J. p. 79 We may see whether it be Agreeable to the Bargain already made but if you have done nothing therein it remains with his Excy to come to a positive Determinacon w^th^ him what further Workmanship is yet to be performed for the finishing the said Magazine before the money be Ordered him.

Signed p Order Jn° Beard Cl: Up: Ho:

In answer to which the following Message was Prepared viz:

By the Lower House of Assembly May the 6^th^ 1718.

May it please yo^r^ Honours

By M^r^ Cooke's Generall Computacon the finishing the Magazine Workmanlike as it ought to be would amount to Two hundred Pounds Currency more then he was to have by the first Bargaine, Wherefore We Considered that the Bargain was somewhat hard on his Side and desired your Concurrence in Allowing him One hundred Pounds Sterling more to make him a Recompence M^r^ Cooke has not made any particular Proposicons to us of what Work remains to be finisht therefore We wholly referr that to his Excy to determine and to order the payment of the mony on the finishing the Work.

Signed p Order Mic. Jenifer Clk Lo. Ho:

And sent to the Upper House by Cap^t^ ffrisby and M^r^ Young.

They return and Say they delivered it.

The Petition of the Vestry of Saint Ann's Parish is further Referred till to Morrow morning

The House Adjourns till to morrow Morning Eight of the Clock.

p. 80 Wednesday May the 7^th^ 1718

The House Meets According to Adjournment

Yesterdays proceedings are read.

Cap^t^ Jowles has the Leave of this House to go home for that he is So indisposed he cannott attend.

Coll° Holland & three others from the Upper House deliver M^r^ Speaker the foll° message viz:

By the upper House of Assembly May the 7^th^ 1718.

Gent. M^r^ Thomas Macnemara having been Sent for by his Excy to Appear before this House to know whether he has any thing to offerr on a Letter Sent him by their Lords Guil-

ford and Baltemore inclosed by their L^pps^ to his Excy, and L. H. J.
being asked by his Excy whether he had anything to Offerr
him by the Comand of their L^pps^, Sayd he had not but that their
L^pps^ lett him know that his Excy was to make proposalls to
him, And being further asked whether he had made Applica-
con to his Excy Since he rece^d^ that Letter sayd he had not and
further whether he had any to make then answered he had
not, which his Excy takes to be a further Confirmation of his
Obstinacy and Contumaciousness he then making no Offers
of his Submission on the Order of his Suspension in the
Chancery Court notwithstanding their L^pps^ have approved
that Suspension by their Letter to him. On Reflection where-
of this House take into Consideracon M^r^ Macnemara's Be-
haviour to his Excy in Particular not Only by Affronting him
as Governour and Chancellor which may Appear by Two In- p. 81
dictments found ag^t^ him in the Provinciall Court of this prov-
ince but in endeavouring to get him removed from his Govern-
ment which he had the Confidence to own to his Face in the
Court of Chancery he had done to the utmost of his Power, but
Also to the Governour and Councill comparing them and there
proceedings to the Spanish Inquisicon and the Contempt and
indignity he had frequently offer'd to the Provinciall and
Other Courts of this Province in the Speciall Court of Oyer &
Terminer for the Tryall of those persons apprehended for
firing the great Guns on the Birthnight of the Pretender
he sayed, let me see who Dare try them by this Comission,
or Words to that purpose, having offered a Certiorari to
remove it to the Provinciall Court for Allowance which was
denyed this House think themselves obliged in Justice to his
Excys Character and for Encouragement and Support of the
Magistrates in the Distribucōn of Justice to declare the said
Macnemara a Contemner of Authority and a Disturber of the
peace and Tranquillity of the good People of this Province,
And therefore earnestly recomend it to you to Consider
whether it may not be Advisable to disable the said Macne-
mara from Practising the Law by bringing in a Bill or other-
wise as in Your Discrecon Shall seem Proper for preventing
him in the Comission of the like Enormities.

We send you herew^th^ Severall Papers relating to this Affair
which We hope will give you full Satisfaction therein.

Signed p Order.
Jn° Beard Cl: Up. Ho:

On reading which Message and the severall Papers therew^th^
sent this house are fully informed of the said Macnemara's
Insolence and

L. H. J. p. 82 Thereupon Resolved Nemine Contradicente that a Bill be brought in Accordingly with a Clause giving him Leave to finish Such Accons as are now depending wherein he is concerned, and Ordered the Comittee of Laws prepare the Bill.

Col° Young from the Upper House delivers M^r^ Speaker the Bill for the Qualifying John Steele Esq^r^ to hold Offices within this Province &c^a^ thus Endorst viz:

By the upper house of Assembly May the 7^th^ 1718.
Read in this House & will pass.
Signed p order Jn° Beard Cl: Up: Ho:

Which was read in this House and past for engrossing, and Sent to the Comittee of Laws to be engrost.

The House adjourns till one of the Clock in the Afternoone.

Post Meridiem. The House meet According to Adjournment.

M^r^ Carroll According to his promise of Yesterday Sends his Answer in writing to the Question Proposed to him relating to the 12^d^ p Hh^d^ &c^a^ which was read & Ordered to be entred as follows viz:

To the honble the House of Delegates now Sitting. In Obedience to Your Hon^rs^ directions requiring me to give Yo^r^ Hon^rs^ what Informacon I was capable of in relation to the late Lord Benedict's or his Ex^rs^ Acceptance of the 12^d^ p hh^d^ which was Continued by an Act made in June 1715 untill the 29^th^ day of September following and was to be paid to the said Lord Benedict on the same Consideracon his Father had before Accepted it:

p. 83 I do Certifie hereby to your Honours all that occurs to me upon that Subject, Viz:

That the Lord Benedict dying So Soon after his father could have no knowledge of that Law & therefore could neither have declared his refusall or Acceptance thereof that the 12^d^ raised by Vertue of that Law has been by me remitted for England and such proportion thereof as became due Since the Death of the Lord Charles and untill the Death of the Lord Benedict has as I verily believe been Accounted for to the Ex^rs^ of the said Lord Benedict an exact Computacon thereof being by me laid before the Executrix of the said Lord Charles and the present Lord Baltemore

That the Ex^rx^ of the said Lord Benedict has fully empowered me to receive and take into my hands all the personall

Estate whatsoever that was of the said Lord Benedicts in this Province at the Time of his Death and pursuant thereunto I thought it Just and reasonable to Accept of the half years Rent due to the Lord Bened^{t} in Tobaccō at 2^{d} ꝑ ^{l}, & have rece^{d} Some Small Part thereof at the Same Rate and Shall Continue to receive the Remainder in the like manner because the Consideracōn for So taking it viz: the 12^{d} ꝑ hh^{d} was by me rece^{d} remitted and Accounted for, for I should think it a great Hardship that the Consideracon mony should be Paid by the Country and Trade and the Condition of the said Consideracon not Performed. I believe the hon̄ble house is sensible that a great many of the Inhabitants of this Province by Attachm^{ts} Condemnacons and Execucons have been Compelled or are like to be to pay the rents in Money According to their Patents whereby they have no benefit of the 12^{d} so as af^{d} paid, how Agreeable to Equity and Justice is Submitted to your Honours' Prudent Consideracon by yo^{r} Honours most Humble and most Obedient Servant Chas Carroll May 7th 1718. L. H. J.

Col^{o} Addison from the Upper House delivers M^{r} Speaker the Bill for the relief of Sundry Poor Prisoners therein Menconed, thus endorst viz: p. 84

By the upper house of Assembly May the 7th 1718.

Read the first time and this House think it unreasonable that Dominick Kenslagh and Mary Creagh should be discharged from Any Other Debts than those they are now in Prison for, And we further Observe that it is but reasonable the Sherr should have Some Recompence for finding the within named Prisoner's Victualls Since their Imprisonm^{t} which We leave to the Lower House to consider of.

Signed ꝑ Order John Beard Cl: up: ho:

Which was read and ordered to be thus endorst viz:

By the lower house of Assembly May the 7th 1718.

May it please your Honours On reading your Endorsment on the within Bill this House are well informed that the Prisoners therein menconed have not anything Wherewith to pay their Debts and that to discharge them only from the Debts they are now in Prison for and Subject them to be taken and arrested Again for other Debts owing from them would be a Partiall Proceeding and an Apparent Injustice to those at whose Suit the Prisoners are now in Custody; and as to the Sherriffs fees this House are unwilling to burthen the publick with the Payment of any of them, lest by that Means

L. H. J. other Sherriffs for the future may Claim the like on Prisoners being discharged by the Legislature, And We further observe
p. 85 that 'tis not a greater Injustice to the Sherriff to loose his fees than the Creditors their Debts.

Signed p Order M. Jenifer Cl: Lo: Ho:

And Sent to the Upper House by Captain Mariarte and M^r^ Taylor. They return and say they delivered it.

Esq^r^ Lowe from the Upper House delivers M^r^ Speaker the Supplementary Bill to the Act for better Adm^n^ of Justice in Testamentary affairs thus endorst viz:

By the Upper House of Assembly May the 7^th^ 1718.
Read the first Time & will Pass.

Signed p Order Jn° Beard Cl: Up: Ho:

W^ch^ was read and ordered to be thus endorst viz.

By the lower House of Assembly May 7^th^ 1718.
Read and past for engrosing Sign'd p Order
M. Jenifer Cl. lo. ho.

And Sent to the Committee of Laws to be engrost.

On reading the Peticon of the Vestry & Church wardens of S^t^ Anns Parish and having heard the Vestry on their Parts and M^r^ John Gresham in his Defence thereto Leave is given to bring in a Bill to confirm the same three Lotts therein menconed to the uses they were Design'd by the originall Survey of the City of Annapolis

An engrost Bill for Qualifying John Steele Esq^r^ to hold Offices was read & thus endorst viz:

May the 7^th^ 1718.
Read and assented to by the lower House of Assembly, and
Signed p Order. M: Jenifer Cl. lo. ho.

& Sent to the Upper House by Col° Scot and M^r^ Pollard. They return and say they delivered it

A Bill declaring the rights of three Lots laid out in the
p. 86 City of Annapolis was read & thus Endorst viz:

By the Lower House of Assembly May the 7^th^ 1718.
Read the first & second times by especial Order and will pass. Signed p Order.
M: Jenifer Cl. lo: ho:

And Sent to the Upper house by Mr Beale & Mr Hopkins. L. H. J.
They return & say they delivered it. Colo Young from the Upper house delivers Mr Speaker the Bill declaring the right of three Lots in the City of Annapolis thus endorst viz:

By the Upper house of Assembly May 7th 1718.
Read the first Time and will Pass. Signed p Order.
John Beard Cl. Up. Ho.

Which was read and Past for engrosing, & Sent to the Comittee of Laws to be engrost.

The following Message with Mr Carroll's Answer relating to the 12d p hhd was prepared viz.

By the lower House of Assembly May the 7th 1718.

May it Please your Honours

Pursuant to your Message of the 5th Instant relating to the Continuance of the Payment of the 12d p hhd by the Act made in June 1715 till the 29th of Septr following We did Send for Mr Charles Carroll late Agent for the Proprietor of this Province at the time of the making that Act who Accordingly Appeared before this House & being Demanded to give an Account of the Disposition of that Duty and whether the p. 87
Lord Benedict or his Exrs ever accepted or Signified their Intentions to Accept thereof on the Consideracon it was raised he Promised to Send his Answer thereto in writing this Day and thereupon Sent us the Annexed answer whereby your Honrs may Perceive how farr that 12d p hhd has been accepted & how applied.

As to Mr Carroll's intimating the Rents being Attacht in Mony it was a thing unaskt from him for We are well assured that the Person for whose use those rents were Attached never designed anything but what was honourable as may appear by Publick Letters to the Severall Sherriffs for that Purpose and believe none of the persons whose rents were so Attached will Sustain any Damage on that Account.

Signed p Order. M: Jenifer Cl: Lo. Ho:

and sent wth the said Carroll's answer to the upper House by Coll Maxwell and Major Emerson.

They return and Say they delivered them.

L. H. J. Col° Holland from the Upper House delivers M^r^ Speaker the peticon of Evan Jones thus endorst viz:

By the upper house of Assembly May 7^th^ 1718.

The further Consideration of this Petition is referred to the lower House of Assembly We having nothing to object against it that if that House thinks fit to bring in a Bill hereon the
p. 88 Pet^r^ be obliged in a Bond of One hundred Pounds Sterling speedily and Safely to Convey all publick Letters and Packets to and from this Government untill the next Session of Assembly. Signed ꝑ order

Jn° Beard Cl: up: ho:

The Consideracōn whereof is referr'd till to morrow

Col° Young from the Upper House delivers M^r^ Speaker the following Message Viz:

By the Upper House of Assembly May 7^th^ 1718.

Gent.

On reading Your Yesterday's Message by Col° Maxwell and two Others His Excy observes to this House he has no Direccons from their L^pps^ about the Councills being joyned to the Keeper of the great Seale for the time being, to Sit as a Court of Judicature and have a Voice in passing Decrees or other Sentences on rehearings or reviews And that without their L^pps^ particular Instruccons therein he Cannot consent to it, and on the Question whether that Message shall be recēd or not, this House Concurrs with limiting Accōns in The Provinciall Court and high Court of Appeals to Nineteen Months but Cannot agree to adding the Clause therein Proposed Concerning the Chancery.

Signed ꝑ Order Jn° Beard Cl: Up: Ho:

A Bill for Ascertaining the bounds of Land within this Province was read & Comitted to the Comittee of Laws for Amendm^t^.

p. 89 Bill for the relief of the City of Annapolis read and Ordered a Second reading to Morrow.

The house Adjourns till to Morrow Morning Eight a Clock

Thursday May 8^th^ 1718

The House meet According to Adjournment

Yesterdays Proceedings are read.

The Bill for ascertaining the Bounds of Land was read w^th^ the Amendments and the Q^n^ being put whether the survey-

our's fees therein menconed shall be one hundred pounds of Tobacco p Diem or stand as they did by the former Act L. H. J.

Resolved they stand as they did by the former Act & ordered the Bill be amended w^ch^ was done & then read w^th^ th^t^ amendment and ordered to be thus endorst viz.

By the lower House of Assembly May the 8^th^ 1718

Read with the Amendments and will pass ·

Signed p Order M Jenifer Cl. lo. ho.

Esq Hall and Esq^r^ Lowe from the upper house delivers M^r^ Speaker the following Message viz:

By the Upper house of Assembly May the 8^th^ 1718.

Gent. We think it very expedient that the Transactions of this Sessions should be set in a true light before their L^pps^ which We propose to be done by way of Representacon to their L^pps^ from both Houses with which if your House Concurrs We desire you'll Appoint Some of your Members to be joined with some of our House in a Conference for the Drawing thereof and that it may be transmitted to their L^pps^ inclosed in a Letter to our Agent. p. 90

Signed p Order.

Jn° Beard Cl: up ho:

In answer to which the following Message was prepared viz:

By the lower house of Assembly May 8^th^ 1718.

May it please your Honours

We Agree in Opinion with your Honours that it is very necessary to set the Transaccons of this Sessions in a true Light before their L^pps^ and have therefore appointed Cap^t^ Daniell Mariarte M^r^ James Lloyd M^r^ W^m^ Turbutt and John Beale Esq^r^ to join Such of the Members of your House as Shall be Appointed in a Conference on that Occasion who are ready to Attend and Desire your Hon^rs^ will be pleased to appoint the Time and Place of Meeting.

Signed p Order.

M: Jenifer Cl: lo: ho:

And Sent to the Upper house by the Gent^n^ Appointed.

They return & Say they delivered it.

L. H. J. An engrost Supplementary Bill to the Act for better Administracon of Justice in Testamentary Affairs &c was read and ordered to be thus endorst viz:

May the 8th 1718.

Read and Assented to by the Lower House of Assembly &
Signed p Order M: Jenifer Cl Lo Ho.

An Engrost Bill Declaring the Rights of three Lots in the
p. 91 City of Annapolis &c was read and Ordered to be thus Endorst viz:

May the 8th 1718.

Read and assented to by the Lower House of Assembly, and
Signed p Ordr
M: Jenifer Cl: lo: ho:

Both which last aforementioned Bills were sent to the Upper House by Colo Scot and Mr Turbutt. They return and Say they delivered them.

Colo Holland from the upper House delivers Mr Speaker the Bill for the Relief of Sundry Persons therein Menconed, thus endorst viz:

By the upper house of Assembly May the 8th 1718.

This bill being read again will pass but it is Earnestly recomended to the lower House to Consider of Some recompence to the Goaler for his Trouble and Charge in victualling those who have been Kept in close Custody which is intirely at his own Charge and risque.

Signed p Order Jno Beard Cl: Upr Ho:

Which was read and past for engrosing, and Sent to the Comittee of Laws to be engrost.

The peticōn of Evan Jones read and referr'd to the Consideracōn of next Sessions.

Esqr Lloyd & Colo Tilghman from the upper House deliver Mr Speaker the following Messages viz:

By the upper House of Assembly May 8th 1718.

Gent. We have Appointed Philemon Lloyd Esqr & Colo Richard Tilghman to join the Members of your House on the
p. 92 Conference by your Message by Capt Mariarte and three others, Who are now ready to join them at the House of Mrs Mary Dodd.

Signed p Order. John Beard Cl: Uppr ho.

And at the same time delivered the following message Viz. L. H. J.

By the upper house of Assembly May 8th 1718.

Gent:

We having taken into Consideracon the Allowance to be made his Excy By the severall Counties of this Province for a Copy of the Laws made this Sessions Propose Six hundred pounds of Tobacco a suitable Recompence to be made his Excy for Each Body to the Counties and for one to the Provinciall Court there being fewer Laws made this Sessions than for two years past with which We desire your Concurrence.

Signed p Order Jn° Beard Cl: Up. House.

Bill for ascertaining the Bounds of Lands within this Province was read and ordered to be thus Endorst viz:

By the Lower House of Assembly May 8th 1718.

Read with the Amendmts and will pass.

Signed p Order.
M: Jenifer Cl. Lo. Ho:

And Sent to the upper house by Col° Mackall Mr Charles Wright Maj Emerson & Capt Fendall.

They return and Say they delivered it.

Bill for the relief of the City of Annapolis was read and ordered to be thus endorst viz.

By the Lower House of Assembly May the 8th 1718.

Read the first and second Times by Especiall Order & will Pass

Signed p Order. M: Jenifer Cl: Lo: Ho.

And Sent to the upper House by Mr John Beale Mr John Baker and Mr John Brannock. p. 93

They return and say they delivered it.

Col° Young from the upper house delivers Mr Speaker the Bill for the relief of the City of Annapolis thus endorst viz:

By the upper house of Assembly May the 8th 1718.

This Bill being read will Pass with the following Amendments viz: That the Twenty Lots to be laid out be to the Eastward of the ferry Road that leads by the Hill whereon the Powder House now Stands and that the Inhabitants of this

L. H. J. City who have already a Lot or part of a Lot be restrained two Years from taking up any the said Lots. Signed p Order
John Beard Cl: up Ho.

Which was amended accordingly and thus endorst Viz.

Eodem die, read with the Amendm^{ts} and Past for Engrosing.
Signed p Order. M: Jenifer Cl: Lo: Ho:

& Sent to the Com^{e} of Laws to be engrost.

M^{r} Edward Wright a member returned to serve for Queen Ann's County and Cap^{t} Thomas Truman Greenfield for Saint Mary's County having after a Contemptuous manner departed this House without Leave,

Ordered that one half of their allowance be deducted by the Comittee for laying the Levy for such Contempt.

Esq^{r} Hall from the upper house delivers M^{r} Speaker the Bill for Ascertaining the Bounds of Land within this Province thus endorst viz:

p. 94 By the upper house of Assembly May 8th 1718.

Read in this house & the Q^{t} being put whether it shall pass or not Resolved it Pass.
Signed p Order John Beard Cl: up: Ho:

Which was read and ordered to be thus endorst viz Eodem die read and past for engrosing

The Journall of the Comittee of Acc^{ts} was read and Ordered to be thus endorst viz:

May the 8th 1718

Read and assented to by the lower House of Assembly &
Signed p Order M: Jenifer Cl: lo. Ho.

And Sent to the Upper House by Col^{o} Scott Cap^{t} Codd and M^{r} Pollard They return and Say they delivered it

Ordered th^{t} Samuell Young Esq^{r} Publick Treasurer of the Western Shore pay unto the Hon̄ble W^{m} Holland Esq^{r} Attorney of Coll Nathaniel Blakiston One hundred pounds Sterling for this year's Sallary at the Expiracōn of this year. Ordered that Robert Ungle Esq^{r} Publick Treasurer of the Eastern Shore Send for Twenty pounds Sterl. worth of Paper Parchment & Ink powder for the Publick use.

An Engrost Bill for relief of Sundry poor Prisoners therein menconed was read and thus Endorst viz: L. H. J.

May the 8th 1718.

Read & Assented to by the Lower House of Assembly and
Sign'd p Order
Mic: Jenifer Cl. Lo. Ho.

& Sent to the upper House by Col° Maxwell and Col° Ward. They return and say they delivered it

The following Message being Prepared viz. p. 95

By the Lower House of Assembly May 8th 1718.

May it please your Honours.

In answer to your Message of this day relating to the Allowance to his Excy for the Bodies of Laws for the Counties and Provinciall Court We agree that 600# Tob be allow'd him for each body.

Signed p Order M. Jenifer Cl: lo. ho.

And sent to the upper House by Col° Mackall Majr Emerson Col° Herrman & Mr Younge.

They return and Say they delivered it.

Ordered that Samuell Young Esqr Publick Treasurer of the Western Shore pay unto Mr George Valentine for his own use (without any respect to the Shērr's fees) for finding Severall persons in the Goal of Annapolis relieved this Sessions with Victualls During their Imprisonment the Sume of ten Pounds Currant Money out of the publick Stock in his hands.

The following Message being Prepared viz:

By the lower House of Assembly May the 8th 1718.

May it please Your Honours

We perceive by your Message of Yesterday & Col° Young that his Excy not having his Lpps Particular Instruccons cannot Consent to the adding a Clause to the Act to Limit the Continuance of Accōns &ca Whereby the Councell may be joined with the Keeper of the great Seale for the Time being to Sit as a Court of Judicature on rehearings and Reviews on the Decrees of the Chancery Court but for that tis thought to p. 96
be an Aggrievance that the Same Person who before past the Decree in the Chancery Court Should again Sit as Judge alone upon the rehearings and Reviews,

L. H. J. We desire your Concurrence with the adding a Clause to th[t] Bill whereby an Appeal may be granted from the Chancery Court to the Governour and Councill

Signed p Order M: Jenifer Cl. lo. ho:

and Sent to the upper House by Col° Mackall Major Emerson Col° Herrman and M[r] Young.

They return and say they delivered it.

An Engrost Bill for the relief of the City of Annapolis was read and ordered to be thus endorst viz.

May the 8th 1718.

Read and Assented to by the lower House of Assembly and

Signed p Order M: Jenifer Cl: lo: Ho.

And Sent to the upper house by Cap[t] Mariarte and M[r] Beale. They return and say they delivered it.

The House adjourns till to morrow Morning Eight of the Clock.

Friday May 9th 1718

The house meet According to Adjournment

Yesterdays Proceedings are read.

Maj Harris has the leave of this house to go home for that he is so lame he Cannot attend the Publick Business.

The house proceeds to tax the fees on the following Bills viz:

On M[r] Steel's Bill To the honble Speaker	£6..0..0
To the Clerk	3..0..0
p. 97 On the Bill for the relief of the City of Annapolis	
To the honourable Speaker	6..0..0
To the Clerk	3..0..0

Ordered the Comittee of Laws prepare a Letter to the agent Col° Mackall from the Comittee of Laws, delivers M[r] Speaker a Bill for the better Supporting the Magistrates in the Adm[m] of Justice within this province and for the disabling Thomas Macnemara Esq[r] to practice therein which was read and thus Endorst viz:

By the Lower House of Assembly May the 8th 1718.

Read the first & Second times by especiall Order and will pass.

Sign'd p Order

M: Jenifer Cl Lo: H°

And Sent to the upper House by Col° Hynson M^r^ Whitting- L. H. J.
ton M^r^ Baker M^r^ Waughop Cap^t^ Dent Col° Maxwell Cap^t^ Dollahide and M^r^ Taylor.

They return & say they delivered it.

Col° Addison from the upper house delivers M^r^ Speaker the following Message viz:

By the upper house of Assembly May the 9^th^ 1718.

Gent. In answer to your Message by Col° Mackall and three others His Excy Acquaints this House that he has Instruccons from the Crown which he is Comanded by his L^pp^ to obey wherein he is instructed not to erect any new Court of Judicature But forasmuch as he thinks what your House proposes to be highly reasonable he will recomend it to their L^pps^ to pass that act which he is willing to do Provided it be not in force till twelve months or till his L^pps^ pleasure shall be further known.

And We think it necessary th^t^ the same be represented to their L^pps^ from both Houses which may be proper to be done p. 98
in the remonstrance to their L^pps^

Signed p Order Jn° Beard Cl. up. ho:

Col° Holland from the upper house delivers M^r^ Speaker the following Message viz:

By the upp^r^ house of Assembly May the 9^th^ 1718.

Gent.

We Recomend to you that an Order be entred on your Journall that the Treasurer of the Western Shore pay to Col° W^m^ Holland Attorney of Col° Nathaniel Blakiston One hundred pounds Sterling as Agent for this province when the year is expired.

Signed p Order Jn° Beard Cl: upp^r^ H°

Bill for Limiting of Accōns was read with the Amendments & past for engrosing and Sent to the Com^e^ of Laws to be engrost.

Esq^r^ Lowe from the upper house delivers M^r^ Speaker the proposalls of M^r^ Evan Jones for the printing the Laws of this Province thus Endorst viz.

By the lower[1] House of Assembly May the 9^th^ 1718.

The within proposall is recomended to the lower House of Assembly as reasonable in the Charge and usefull in the Work

[1] *Upper* intended.

L. H. J. & to oblige the said Evan Jones to print them upon good Paper and with a fair Letter.

Signed p Order John Beard Cl: up Ho.

Whereupon Thomas Bordley and John Beale Esq^{r} undertake to make a Compleat Colleccon of all the Laws now in force in an entire Body and to make a perfect Index and
p. 99 proper Marginall Notes throughout the whole for Fifty Pounds.

An engrost Bill for ascertaining the Bounds of Land within this Province was read and Ordered to be thus endorst viz:

May the 9th 1718.

Read and Assented to by the lower House of Assembly, and

Signed p Order M: Jenifer Cl: lo: ho:

& Sent to the upper House by M^{r} Lloyd and M^{r} Pollard. They return & say they delivered it.

Col^{o} Holland and three others from the upper House delivers M^{r} Speaker a Bill for the better Supporting the Magistrates in the Adm^{rn} of Justice &c thus endorst viz:

By the upp^{r} House of Assembly May 9th 1718.

This Bill being read a Second Time will pass with the following Amendments at N° 1: Not only here but in the Province of Pensilvania

2 Declared himself to be Of the Church of England.

3. To prosecute the Suits of the Crown by the Means of the said Maurice Birchfield Esq^{r}

4. In all Cases Saving those that relate to the Crowne

Signed p Order. Jn^{o} Beard Cl: up: ho:

Which was amended Accordingly and past for Engrosing and Sent to the Comittee of Laws to be engrost.

Col^{o} Holland from the upper House delivers M^{r} Speaker the report of the Comittee of Aggrievances relating to Maurice Birchfield Esq^{r} sent up to that House with the following Opinion of his Excy in relacōn thereto and the message thereon viz

I am of Opinion that the proper applicacon will be to their L^{pps} who will not faile to represent any grievances to his
p. 100 Majesty which may be Occasioned by the Officers or others imployed by the Crowne in this Province And that a just Representacon be also made of this Affair to the agent of this

Province who by his Advice and Intrest will be of use to their L. H. J.
L^pps and this Province in removing this Grievance and Preventing any of the like nature for the future.

Jo: Hart.

By the upper House of Assembly May the 9^th 1718.

Gent. In answer to your Message with the Report from the Comittee of Aggrievances relating to Maurice Birchfield Esq^r by Col° Mackall and two others, We agree with his Excy in the above Opinion and leave it to your Consideracon whether it may be proper to be laid before the Conference, to be represented to their L^pps.

Signed p Order. Jn° Beard Cl: up: ho:

The house adjourns till one a Clock in the afternoone

Post Meridiem. The house meets According to Adjournment.

An Engrost bill for limiting the Continuance of Accōns &c^a was read and thus endorst viz:

May the 9^th 1718. Read & Assented to by the lower House of Assembly and Signed p Order
M: Jenifer Cl. Lo: Ho.

And Sent to the upper house by M^r Charles Wright and Cap^t Pollard. They return & Say they delivered it.

Bill for laying the Publick Levy for the year 1718, was read and ordered to be thus endorst viz: p. 101

By the lower House of Assembly May the 9^th 1718.

Read the first and second times by especiall Order and will Pass. Signed p Order M: Jenifer Cl: lo: ho:

and Sent to the upper house by Cap^t ffendall & Cap^t Pollard. They return & say they delivered it.

An engrost Bill for the better Supporting the Magistrates in the executing their Offices &c was read and ordered to be thus endorst viz:

May the 9^th 1718.

Read and assented to By the lower house of Assembly and
Signed p Order. M: Jenifer Cl. lo. Ho:

And Sent to the upper house by Cap^t ffrisby and M^r Young, they return and say they delivered it

L. H. J. Coll° Holland from the upper house delivers M^r^ Speaker The Bill for laying the Publick Levy for the year 1718 Thus endorst viz:

By the upper house of Assembly May the 9^th^ 1718.
Read and will pass. Signed p Order.
John Beard Cl. up ho:

Which was read in this house and past for engrosing

An engrost Bill laying the publick Levy for the year 1718, was read and Ordered to be thus endorst viz:

May the 9^th^ 1718.

Read and Assented to by the lower House of Assembly & Signed p Order

M: Jenifer Cl: lo: ho:

And Sent to the upper house by Col° Scot & Cap^t^ ffrisby. They return and Say they delivered it

This House taking into Consideracon the great Expence
p. 102 that the Roman Catholicks and their Adherents have subjected his Excy the Governour to by their unjust Compl^ts^ ag^t^ him which were founded on no other Cause than his Zealously espousing the Intrest of this Province ag^t^ their Attempts Resolve that his Excy ought not to be at the sole Charge of Defending the Publick. And therefore Ordered th^t^ Samuell Young Esq^r^ Publick Treasurer of the Western Shore pay unto his Excy the Governour or Order Two hundred pounds Sterl. And that [a] message be prepared to the upp^r^ house desiring their Honours' Concurrence and An Address to his Excy desiring his favourable Acceptance thereof as a token of our Gratitude.

Thereupon Ordered the following Message be prepared Viz.

By the Lower house of Assembly May 9^th^ 1718.

May it please your Honours

This house taking into Consideracōn the great Expence that the Roman Catholicks and their Adherents have Subjected his Excy the Governour to by their unjust Complaints ag^t^ him which were founded on no Other Cause than his Zealously espousing the Intrest of this Province ag^t^ their Attempts have Resolved that his Excy ought not to be at the Sole Charge of defending the Publick And therefore have Ord^rd^ the hon̄ble Samuell Young Esq^r^ Publick Treasurer of the Western Shore to pay to his Said Excy or Order the Sume

of Two hundred Pounds Sterling with which We desire your Honour's Concurrence and that you will be pleased to join with us in an Address to his Excy desiring his favourable Acceptance thereof as a token of our Gratitude. L. H. J.

Signed p Order M: Jenifer Cl: lo: ho:

And Sent to the upper house by Coll° Mackall Col° Maxwell Col° Hynson Col° Scot Cap^t Pollard and Cap^t Mariarte. p. 103

They return and say They delivered it.

Coll° Young and two others from the upper house deliver M^r Speaker the following Message viz:

By the upper house of Assembly May 9^th 1718.

Gent.

In Answer to your Message by Col° John Mackall and five others We cannot but Comend you in the just regard you have to the Expence his Excy has been at in defending our Constitucon and most readily and heartily join with you therein.

Signed p Order Jn° Beard Cl: up: Ho:

The House adjourns till to Morrow morning Eight of the Clock.

Saturday May 10^th 1718

The House meets according to Adjournment

Yesterdays Proceedings are read.

Coll° Tilghman from the upper house delivers M^r Speaker the following Message viz:

By the upper house of Assembly May the 10^th 1718.

Gentlemen

The Conclusion of this Sessions, w^ch hath been carryed on so unanimously for the Protestant Intrest being near at hand calls upon us to put you in Mind once more of our Message concerning the Eight p Cent. We Cannot but be pressing on this Affaire thinking it most reasonable to comply with his L^pps Demands at this Time in hopes that the good Dispositions he shall see the houses in to Oblige him, in that particular may engage his L^pp to give a favourable Construction of all the Proceedings of this Assembly.

Signed p Order Jn° Beard Cl. Up. Ho.

Which was read and the Question being put whether in Consideracōn of his L^pps Many Favours the Eight p Cent shall be allowed as a gratuity or not p. 104

L. H. J. Resolved in the affirmative by the Majority of Votes, and,

Ordered that Samuell Young Esq^{r} Publick Treasurer of the Western Shore pay unto his L^{pps} Agent the Eight ꝑ Cent in Dispute this Sessions and Ordered the following Message be prepared viz.

By the Lower House of Assembly May the 10th 1718.

May it please your honours

We Doubt not but the reasons We have already offered in our former Messages this Sessions together with the remark of his L^{pps} having assented to a Law that allows the deduction of the Eight ꝑ Cent will Sufficiently evince how farr the matter of right is in our Favour but this house taking into Consideracõn his L^{pps} continued Goodness in Assenting to & promoting such good Laws as tend to our Comon Benefit and the many Advantages We reap by his L^{pps} Present happy Administracõn cannot in gratitude contend with his L^{pp} where his and our Intrest are only in Dispute and therefore We have ordered the Publick Treasurers to allow and pay the Deduction made on Acc^{t} of that Sallary taking Leave on this Occasion to Assure your Honours th^{t} as We shall allways endeavour inviolably to defend the Country's Right so we shall allways be more easily moved by the Impulse of gratitude towards our Benefactors than by any other politick Motives whatsoever.

Signed ꝑ Order. Mic. Jenifer Cl: lo: Ho:

p. 105 And Sent to the upper house by Coll° Ward M^{r} Wright M^{r} Taylor M^{r} Dare M^{r} Young & M^{r} Vanderheyden

They return and Say they delivered it.

Col° Young and four more from the upper house deliver M^{r} Speaker the Representacon drawn up by the Conference to the Lords Baltemore and Guilford thus Endorst viz:

By the upper house of Assembly May the 10th 1718.

Read and Approved of.

Jn° Beard Cl: up. ho.

Which was read in this house and approved of and ordered to be entred as follows viz:

Att a Conference appointed by the upper and lower houses of Assembly for the drawing a representacõn of the Principall Transaccons done in this present Sessions of Assembly.

Who Accordingly meet at the house of M^rs^ Mary Dodd on Thursday the 8^th^ day of May 1718. L. H. J.

And were present.

The hon^ble^ { Phile Lloyd Esq^r^ / Col° Richard Tilghman } of the upper house

The hon̄ble { Cap^t^ Daniel Mariarte / M^r^ James Lloyd / M^r^ W^m^ Turbutt / M^r^ John Beale } of the low^r^ house.

Who make Choice of Phile Lloyd Esq^r^ to be Chairman And Philip Hamond for their Clerk.

And thereupon Proceed to Draw the foll° Representacon.

May it please yo^r^ L^pps^.

Your Approbation of our Proceedings in the last Sessions of Assembly gives us so just a Sense of your Good Inclinations to advance the publick Weal of this province, That We your L^pps^ upper and lower houses in Assembly Convened begg Leave to make our humble Acknowledgem^ts^ of your L^dps^ goodness in Approving of our Endeavours in Cultivating a good and perfect Understanding between my Lord Prop^ry^ and the good People of this Province which wee still take to be our duty to Improve to his L^dps^ greatest Advantage. Your L^dps^ ready Concurence with such publick Acts and proceedings as tend to the Advancing the proprietary[1] of this province still Encourages us to hope for whatever Else the Real friends of my L^d^ propry Family and Interest Can in reason Expect But that which gives the truest taste of our happiness under your L^dps^ Dominion is the Notices wee frequently receive of your Resolutions to Adheare to and Encourage the protestant Interest & religion here Notwithstanding the Assiduous Endeavours of a restless faction that are Contending to Disturb their Quiett by Setting up Popery and the Romish Superstition in Competition with them which they Doe not Only Endeavour but pretend a right to. Wee begg leave therefore in most humble manner to repres^t^ to your L^dps^ that your good Offices and Endeavours to Divert all Differences between your Liev^t^ Governour & Some Gent. here do Sufficiently Testifie your L^dps^ Just regard of the peace and Tranquility of the Province in which wee are so Intirely Satisfyed that wee Should gladly have avoided this Occasion of interrupting y^r^ L^dps^ other more weighty and Important affairs by soe long an adress did wee not lye under a necessity of Saying something in Justifica- No page number

[1] Thus in the original manuscript; *prosperity* intended, and so written in contemporary copy.

L. H. J. tion of our Proceedings in this present Sessions of Assembly. Wee blush to Acq[t] your L[dps] that your friendly Endeavours that way, have not met with the Regard that was due to soe noble & Generous an Undertaking and wee must Intreat your Lordships to believe that it is with regret and Very unwilling[ly] that wee are forced to Charge our Selves with the Defence of Such things as are Said to be Carped at already and will in all probability become the Subject Matter of Complaint.

No page number The Roman Catholicks Ever since the Restoration of the late L[d] Baltemore to this Goverm[t] have been Very Active and busy in projecting Schemes for Introducing Papists into Offices, and from thence as we may reasonably Conjecture, had they not been Prevented would have Asserted their Pretended Claim of Right To Share in the Publick Adm[rn] of the Affairs of Government.

But the Opposition they met withall in the prosecution of this Designe and the frequent hints and notices of their being Roman Catholicks given them by his Excy with designe to Keep them Quiett put them upon getting Sundry Eminent Lawyers Opinions Concerning the Suspension of an Act of Assembly made Anno 1704 Entituld an Act to prevent the growth of Popery within this Province which Suspension was Continued and Confirmed by one other Act of Assembly made Anno 1706 which was not to determine untill her late Maj[ty] Queen Anns Royall will and Pleasure Should be Signified therefore.

The Gent of the Romish Communion believeing themselves Secure in those Learned Councills Opinions upon Our Suspending Act neither regarded the notices given them, nor did they Observe Such Measures as a people under their Circumstances should have kept altho his Excy Oftentimes Informed them that her Late Majestie Queen Ann's Royall will and Pleasure had been Signified to him in her Royall Instructions Eight Years after the passing that Suspended Act wherein the papists were Expressly Excepted out of the Indulgence her Maj[ty] was graciously pleased to Extend unto all other Perswasions here.

Thus have the Roman Catholicks made use of An Act of Indulgence which had no other motives Then a Charitable Tenderness in regard to their Consciences and Manner of Worship as a Barrier to all Manner of proceedings in Goverm[t] ag[t] them and made Slight of the late Queens Instructions as not Concerned therein altho your L[dp] had given them in Charge unto your Lievt[t] Governour here. Now seeing that

p. 106 the Roman Catholicks are the Open and Professed ffriends of

the party which kicks ag^{t} Goverm^{t} and that M^{r} Thos. Mac- L. H. J.
nemara notwithstanding your L^{dps} Very kind tho fruitless Endeavours to bring him to a knowledge of himself and to such Just Submissions as might for the time to Come preserve Your L^{dps} Authority and the Dignity and Jurisdiction of your Courts here ag^{t} the Contempts and Insults of any Audacious persons that Affront in them hath never Offered himself to make any Such Submission as was by Your L^{dps} required of him and believing him to be Supported as well as Encouraged by the Romish party the two houses of Assembly being Determined to fall upon the Concert of such measures as might most Effectually procure the peace of this province and Discourage the practices of the Enemies to our present Establishm^{t} resolved to repeale the Act of Assembly to prevent the growth of Popery whereby the Papists are now left in the Same Condition they were in before the Making the Said Act ag^{t} which many Complts were heretofore made by them altho now as much Dissatisfyed to see the repeale of it because they find themselves Obliged to regulate their Conduct According to Such Statutes of Great Brittaine as Extend to his Maj^{tys} Dominions and impose much greater Penaltys upon Dilinquents, then we are any ways willing to make use of, Provided those Gent of the Romish perswasion will Demean themselves Quietly & Peaceably According to your L^{dps} Pleasure Signified to them.

But such is the restless Spirit of those People that not Content with the favour and Indulgence of the Governm^{t} in winking at the Allowance of their Worship thô notoriously publick they were Very busy in making Interest and Partys for Votes att the Election of Delegates to serve in Assembly, which being Observed by the Lower House and apprehending the same practice att Election of a Citizen to serve this present Session of Assembly for the City of Annapolis they prepared a bill to disable the Papists & all others (Quakers Excepted) who are otherwise Qualifyed That Should refuse the Oath p. 107
Appointed by Law from giveing their Votes att the Election for burgesses to Serve in Assembly. This my L^{dp} is the true reason of making the Act which fills the Roman Catholicks with Complaints of being deprived of their birthrights which as they say the papists Enjoy even in Great Brittaine, whereas in truth we have done nothing but w^{t} is Agreeable to a Statute of Great Brittaine made in the Seventh and Eighth of the late King William Chap^{r} 27th Sect. the 19.

May it please your L^{dps}

Wee likewise think it our duty to let you into the true reasons & Motives that Induced us to make one other Act of As-

L. H. J. sembly to Disable Thos Macnemara Esqr in his practice of the Law (all Cases of the Crown Excepted) Your Ldps have already met with but too much Trouble on that head and wee may reasonably believe you were desirous of and did Expect to put an End to that affair by requireing him to make such reasonable Submission as should be Approved of by your Governr and Councill. But such is the unhappy Temper of that pson that neither psuasions nor reproofs work any thing upon his Stubborn Spirit as your Ldps will perceive by the Relation of his Behaviour before the upper house and by a representn of the Justices of the provinciall Court which with other matters relateing unto his Insolent behaviour are Entered upon our Journalls in Assembly. It was upon these Considerations tht the Lowr House Resolved to bring in a bill to Deprive the Said Thomas Macnemara Esqr of his practice as the most Effectuall means to prevent the like Abuses and Indignities for the future.

Thus my Ld wee have laid before you the true State of the most Publick Transactions of this Sessions wee have taken Care to regulate our proceedings in Such wise to give your Ldps no manner of Umbrage that the good People of this prov-
p. 108 ince have any thing more in View then the Honour Dignity and true Interest of the Noble Family of Baltemore and the Proprietary [1] of Maryland under a Protestant Establishmt Secured by such good and Wholsome Laws as may be able to protect it agt all the Endeavours of our Secret and professed Enemies.

Wee further Humbly begg leave to lay before your Lordships an Accte of the most Oppressive and rigorous proceedings of Maurice Birchfield Esqr agt great numbers of the Inhabitants of this province which has been represented and agreed to be an Agrievance by both houses of Assembly (To wit)

That they have been Subpenaed to appr at the high Court of Chancery to answer the bills of Complaint of the said Maurice Birchfield Esqr upon a Suggestion that they were Indebted to a Certa[in] John Goodwin and Other Merchts in London before Making any Demand or giving notice of such his Claime Some of which never had any dealings with the Merchts they are Charged Debtors To, others have been large Credrs Instead of Debrs and many that were Debtrs did by the said Merchts Own Accts Owe but very small and Trifleing sumes which by our Laws are not Cognizable in the Chancery Court notwithstanding which Such psons have been obliged to make answers and Defend their Suites to their great Expence and

[1] Thus in the original manuscript; *prosperity* intended, and so written in contemporary copy.

Loss of time in Attendance of Courts and when on a hearing L. H. J.
the Greatness of their Oppression by such severe prosecutions
have been made App^r they have been dismissed the Court and
Could recover no Cost ag^t the said Birchfield because of his
Acting on behalfe of the Crown althô the Trouble and Charge
of such Defence might have been Saved to the people in Case
the Af^d Birchfield or his Attorney had not proceeded after
soe uncommon and Imethodicall a manner ag^t such Defend^ts p. 109
without Demand or notice Severall of them having declared
in their answers upon Oath that they were never demanded by
the said Maurice Birchfield Esq^r or any other on her Maj^tys
behalf to give any Acc^t of the matters in the bill untill they
were Served with Subpœna to answer the same of which they
declare the said Maurice Birchfield might have had the utmost
Satisfaction they were able to give upon Subpena to Testifie
or request made without being put to the Unnecessary Charge
to answer the same in form According to the Proceedings of
the Court of Chancery

And Because the said Maurice Birchfield Esq^r is an Officer
Imployed under his Majestie in the Affairs of the Crown wee
have been very Tender of giving any Countenance to the
persons Damnifyed to seek any remedy ag^t him for the Dam-
age they have Sustained by the rigour of such proceedings Ag^t
them or to make any act here to remedy the Aggrievance Com-
plained of, althô we are well Satisfyed the Avaritious & Liti-
gious Temper of the ꝑson Imployed by the said Maurice
Birchfield Esq^r as his Attorney at Law for the Sake of In-
creaseing his ffees has been the Chief Cause of the Aggriev-
ance Complained of, And only begg the favour of your L^dps
to take w^t methods your L^dps in your Great Wisdom shall
think proper for the procureing such necessary Cautions to
be given to such officers for the future as may prevent their
oppressing his Majesties [Subjects] here at his Majesties own
Expence and Charge by having the dues of the Crown wasted
in the prosecuting needless Suites at Law without any Cause
or Very Trifleing Sumes for recovery of which the Laws of
the Land give Remedy by a Justice of the peace's Warr^t.

May it Please your L^dps

Your two houses of Assembly doe in the last place begg p. 110
leave to assure you that nothing Transacted in this present
Sessions hath been Carryed on with any design of Drawing
the Papists into a Persecution But that notwithstanding any
act that wee have made they may Still if they Please Enjoy the
Same Indulgence they formerly had by the Connivance of the
Goverm^t, so long as they demean themselves Peaceably and
without Offence.

L. H. J. Wee Likewise Intreat your L^dps^ that no Sinister Representations from any ꝑsons Occasioned by their fears rather then facts be allowed to make any Impressions upon your L^dps^ Minds in regard to your faithfull Protestant Tenants Inhabitants of the Province of Maryland, on behalf of whom wee of your L^dps^ Upper & Lower Houses of Assembly begg leave to Subscribe our Selves your L^dps^ &c^a^.

Signed ꝑ Order Philip Hammond Cl. Conf^r^

The above representations is offered to the Consid^n^ of the house

The House adjourns till one a Clock in the Afternoon.

Post Meridiem. The house meet According to Adjournm^t^

The following address to his Excy the Governour being Signed by the members of the upper House of Assembly was
p. 111 also Signed by the Members of this House and Ordred to be thus entred viz:

May it please you Excy

The upper and lower Houses of Assembly being sensible of the vast Expence your Excy has been put to in Defending us in our happy Establishment against the Attempts of those who Sought to wound it through your sides are by the Ties of duty to our Country and gratitude to its benefactors obliged to pray your Excy's favourable Acceptance of Two hundred pounds Sterling as a Reimbursement of Such part of what your Excy has so Generously and happily applyed for our Advantage as the present Circumstances of Affairs permit us.

We Assure your Excy th^t^ We shall allways retain a gratefull Sense of the many Advantages that have accrued to this Province under your Excys most prudent Goverment & however deficient our Abilities may be our Endeavours will never be wanting upon all Occasions to approve our Selves &^ca^

And Sent to the upper House by Col° Mackall Coll° Hynson Cap^t^ Mariarte Cap^t^ ffrisby M^r^ Lloyd & Col° Scot with the following Message viz:

By the Lower House of Assembly May the 10^th^ 1718

p. 112 May it please your Honours

We herewith Send the address Signd by the Majority of our House which We Desire may be presented to his Excy in the name of both Houses.

Signed ꝑ Order. M: Jenifer Cl lo. ho.

They return and say they delivered them. L. H. J.

Ordered th^t^ Col^o^ Scot and Cap^t^ Mariarte go to the upper house and Acquaint his Excy that nothing of publick Business remains before this House unfinished. They return and Say they delivered their Message.

Col^o^ Holland from the upper house Acquaints M^r^ Speaker that his Excy Comands him and the whole house to attend him imediately in the Council Chamber and withdrew.

Thereupon M^r^ Speaker with the members of the House went to the upper House to attend his Excy where his Excy was pleased to enact the Severall Ingrost Bills following (being read and Assented to by the upper House of Assembly and so endorst) into Laws by Sealing them with the right honble the Lord Prop^rys^ Great Seale of this Province and endorsing them Severally in the manner following viz: p. 113

May the 10^th^ 1718.

On the behalf of the right honble the Lord prop^ry^ of this Province I will this be a Law Jo: Hart.

N° 1 An Engrost Bill to repeale an Act of Assembly entituled an Act to prevent the growth of Popery within this Province.

2. An engrost Bill to enable Benjamin Howard to Sell Certain Lands in Ann Arundell Co^ty^ and for entailing other Lands in Baltemore Co^ty^ belonging to the Said Benjamin

3. An engrost Bill for Investing the right heirs of Edward Day late of Somerset County with an Estate in Fee Simple of certain Lands in Somerset County.

4. An engrost Bill reviving and Continuing an Act of Assembly of this Province entituled an Act for relieving the Inhabitants of this Province from Some Aggrievances in the Prosecution of Suits at Law.

5. An engrost Bill for supplying the Defects in the last Will & Testament of Eliz^a^ Devegh

6. An engrost Bill for the relief of Robert Heigh and Philip Eilbeck Languishing Prisoners.

7. An engrost Bill to Confirm to Mary [Hall] of Talbot County Widow a Tract of Land Called Glades Addicon in Talbot County.

8. An engrost Bill for Supplying Defects in the Convey- p. 114
ance of Land from John Cary John Burridge and George Cole to Peregrine Browne Merchant decēd

9. An engrost Bill for removing Prince George's County Court House.

L. H. J. 10. An engrost Bill for qualifying John Steele of the City of Annapolis to hold Offices within this Province.

11. An Engrost Bill declaring the rights of three Lotts originally laid out in Annapolis for the uses therein mencoñed.

12. An Engrost Supplementary Bill to the Act for better Admⁿ of Justice in Testamenᵗʸ Affairs.

13. An engrost Bill for the Relief of severall poor prisoners therein menconed.

14. An engrost Bill for Setling all Disputes concerning the Boundaries of the Severall Lots within the City of Annapolis &c

15. An engrost Bill for ascertaining the Bounds of Land within this Province.

16. An engrost Bill to limit the Continuance of accōns in Severall Courts within this Province and ascertaining the manner of taking the Evidence of Seafaring men, and for granting Appeals from the Chancery Court to the Governour and Councill.

p. 115 17. An Engrost Bill for the better Supporting the Magistrates in the Administracōn of Justice within this Province and for the disabling Thomas Macnemara Esqʳ to practice therein.

18. An engrost Bill empowering a Comittee to lay Assess and Apportion the publick Levy for this present yeare 1718

After which his Excy was pleased to make the following Speech viz:

Gentlemen of the Upper & Lower Houses of Assembly

It is with the utmost Joy and Satisfaccōn I conclude this Session with my return of thanks on the behalf of the right honble the Lord Propᵗʸ for that dutifull and Affectionate Regard you have paid to his person and Government, and in a particular manner I make you his Lᵖᵖˢ Acknoweldgements for your restoring the Eight p Cent formerly deducted; which Candor in your Proceedings will not fail of being most Gratefull to his Lᵖᵖ Nor shall I be wanting to let his Lᵖᵖ know his Felicity of being Ruler over a People equally just and kind.

Your Close and diligent Applicacon to the Business of this Assembly, the unanymity with wᶜʰ it was Carryed on, the Seasonable and Salutary Laws you have made as they are the Effects of wise and well Concerted Councills so they cannot be too much Applauded

p. 116 For what relates to my own particular, you have been So indulgent to me, that Thanks alone would be too poor an Offering for that favourable Sense you have of my Admⁿ

My Duty was the only Motive that prompted me to act in my Station, in a manner I have the Pleasure to find has been So Acceptable to You, But however I may be wanting in my Capacity to Serve You, Yet Sure I am you will not fail of my best Endeavours and Warmest Wishes for the Prosperity of Maryland. L. H. J.

Jo. Hart

And then his Excy was pleased to declare that with the Advice of the right honble the Lord Propryrs Councill of State within this Province he thought fit to Prorogue this present Generall Assembly till the Seventh day of October next to which time the Same was accordingly Prorogued.

Afterwards Mr Speaker with the rest of the members of this House return'd to their own House And then Mr Speaker resumed the Chair and reported to the House that his Excy the Governour with the Advice of the right honble the Lord propry's Councill of State in this Province had prorogued this present Genl [Assembly] to the Seventh day of October next to which Time this House Accordingly prorogues itself. p. 117

So Endeth this third Sessions of Assembly held for this Province after his most gracious Majesty was pleased to restore the right honble the Lord Propry to the Government of this Province this tenth day of May Anno Dmi 1718.

Test. M: Jenifer Cl: lo: ho:

ACTS.[1]

Bacon's Laws

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, the 22^{d} Day of April, and ended the 10th Day of May, in the 3^{d} Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore &c. Annoq; Domini 1718, were Enacted the Laws following viz.

John Hart, Esq; Governor.

A Supplementary Act to the Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies. Chap. I

Whereas there has been some Doubts concerning the issuing of Writs of Election, and the Time for Elections, upon the Death or Removal of any of the Delegates within the Several Counties of this Province, and City of Annapolis, during the Being or Sitting of any Session of Assembly; for the removing whereof for the future,

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That whensoever any Vacancy shall happen by the Death or Removal of any Member of the Lower House of Assembly, Writs of Election shall immediately issue, upon the Honourable Speaker, for the Time being, his issuing his Warrant to the Secretary to prepare such Writ or Writs, directed to the several Persons or Bodies Politic, to whom the Execution of such Writ or Writs shall belong, who are hereby authorized and impowered immediately to proceed to the Execution of such Writ or Writs, according to the Directions of the aforementioned Law, without any Regard had to the Space of Time betwixt the Test and Return of such Writ or Writs, so as public Notice be given of the Election in a County, according

[1] The text of these Acts is taken from Bacon's *Laws of Maryland at Large* (1765), in which are contained only the public general laws in force at the date of that compilation. Local and private acts, and such as had expired or been repealed, do not appear. Liber LL. No. 4, which contained the original record of the session laws, has been lost.

Bacon to the Directions of the said Law; and Four Days Notice of the Election, in each City or Borough.

III. And whereas notwithstanding all the Measures that have been hitherto taken for preventing the Growth of Popery within this Province, it is very obvious, that not only profest Papists still multiply and increase in Number, but that there are also too great Numbers of others that adhere to and espouse their Interest, in Opposition to the Protestant Establishment: And being under just Apprehensions (from what Steps they have already taken) that if Papists should continue to be allowed their Vote in electing of Delegates, they, with their Adherents, and those under their Influence, will make such a Party at the Elections of many of the Counties within this Province, as well as the City of Annapolis, as to determine the Choice in some of their great Favourites and Adherents, which if they should accomplish, how much it would tend to the Discouragement and Disturbance of his Lordship's Protestant Government, is not easy to imagine: It is therefore humbly prayed, that it may be Enacted; And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all profest Papists whatsoever, be (and are hereby Declared) uncapable of giving their Vote in any Election of a Delegate or Delegates within this Province, either for Counties, Cities or Boroughs, unless they first qualify themselves for so doing, by taking the several Oaths appointed to be taken by an Act of Assembly of this Province, entitled, An Act for the better Security of the Peace and Safety of his Lordship's Government, and the Protestant Interest within this Province, and subscribe the Oath of Abjuration and Declaration therein mentioned.

IV. And further, inasmuch as too many Persons that are either really Papists, or Popishly inclined, act in Disguise, and will not make any public Profession of their Principles, for the better and more effectual carrying on their wicked and malicious Designs, for the undermining and Subverting our present Establishment; Be it therefore further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for the Sheriff, or other Judges of Elections, and such Sheriff, or other Judges, are hereby required, as often as any of them shall see needful (or upon the Information of any other Person duly qualified to vote) to tender and administer the Oaths and Subscriptions aforesaid, to any Person or Persons suspected to be Papists, or Popishly inclined, and upon their Refusal, to set aside such Vote or Votes.

V. Provided always, That nothing in this Act be construed to debar or hinder any of the People called and generally

reputed Quakers, from their Votes in Elections, they being otherwise duly qualified. Bacon

VI. And be it likewise Enacted, That in case any Sheriff, or Body Politic, shall make any undue Return, contrary to the true Intent and Meaning of the Act aforementioned, or this present Act, such Sheriff, or Body Politic, shall be liable to the same Penalties and Forfeitures as Sheriffs are made liable to by the said aforementioned Act, to be ascertained and recovered as in the said aforementioned Act is directed, to the Uses therein mentioned.

Examined and Compared with the Original Act.

Reverdy Ghiselin
Thomas Bacon.

An Act to repeal a certain Act of Assembly, entitled, An Act to prevent the Growth of Popery within this Province. Chap. IV

Whereas at a Session of Assembly begun and held at the Town and Port of Annapolis, the Fifth Day of September, One Thousand Seven Hundred and Four, was enacted and made, an Act of Assembly entitled, An Act to prevent the Growth of Popery within this Province, and also one other Act made at a Session of Assembly begun and held at the Town and Port of Annapolis, the Sixth Day of March, One Thousand Seven Hundred and Seven, suspending the Execution of some Clauses of the aforementioned Act, until her late Majesty's further Pleasure should be declared and signified therein; concerning which Suspension-Act, sundry great Disputes have arisen among the Romanists: For Removal of which Disputes, and considering that by one Act of Parliament made in the Eleventh and Twelfth Year of the Reign of his late Majesty King William the Third, Chap. 4, there is good Provision made to prevent the Growth of Popery, as well in this Province, as throughout all others his Majesty's Dominions, and that an Act of Assembly of this Province can in no Ways alter the Effect of that Statute: It is therefore prayed that it may be Enacted, And

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the said Act of Assembly to prevent the Growth of Popery, be and is hereby Repealed.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

Bacon Chap. V

A Supplementary Act to the Act for the better Administration of Justice in Testamentary Affairs, &c.

Whereas the Act of Assembly of this Province, entitled, An Act for the Administration of Justice in Probate of Wills &c. it is amongst other Things enacted, That when a full Account is made up by any Administrator of any Intestate's Estate, the Judge therein mentioned shall make, or cause to be made, Distribution as therein directed, the making up of which Account is oftentimes designedly delayed, and the Estate thereby kept from the right Owners: For Remedy whereof,

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for any Legatee, or others, that have Right to any Legacy, or to the Residue of any Testator's or Intestate's Estate, after the Expiration of Twelve Months from the Date of the Letters Testamentary, or Letters of Administration of such Deceased's Estate, to demand and sue for such their Legacies or Residuary Part of such Deceased's Estate as shall then appear to be their Due by such Accounts as shall then be made up by that Time, that then such Legacies or Residue shall be paid or recovered out of the full Estate, in the same Manner as if there were no Disbursements for Debts or Charges to be made thereout, such Residuary Legatees, or others, that Right have as aforesaid, giving Security to refund to such Executor or Administrator, according to the Directions of the Statute of the Twenty-second and Twenty third of Charles the Second, Chap. 10. And that in case any Suit shall be brought on any Testamentary or Administration Bond, by any Orphan or other Legatee, for Default of Compliance with the Act for the better Administration of Justice in Probate of Wills &c. or this present Act, it shall and may be lawful for such Suitors, and their Agents, Sollicitors or Attorneys, and the several Courts of Law before whom such Suits shall happen to be brought, are hereby required to proceed to Judgment and Execution on such Bonds, without taking Notice of any Injunction, or other Chancery Proceeding, to stop, hinder, or delay the same, unless he shall obtain a final Decree, on full Hearing, or running out the Process for the Awarding of such a Writ.

III. Provided nevertheless, That in case any Party to such Suit shall conceive himself properly relievable in Equity on

such Case, it shall and may be lawful for such Person to pro- Bacon
ceed in Chancery.

Examined and Compared with the Original Act,
Reverdy Ghiselin
Thomas Bacon.

An Act for settling all Disputes concerning the Boundaries of the several Lots within the City of Annapolis, and confirming the same to the respective Takers-up, Improvers and Purchasers thereof; and for laying out Ten Acres of Land out of the Town Pasture, into Twenty Lots more, to be added to the said City. Chap. XIX

Whereas the original Plat of Survey of the Town of Annapolis, now erected into a City, has been destroyed by the Fire of the Stadt-house, in the Year One Thousand Seven Hundred and Four, and little or no Footsteps left to find out the Bounds of the several Lots, whereby many Disputes and Law Suits are like to arise among the Inhabitants and Proprietors of the said Lots; and forasmuch as Justice may the more Speedily, and at far less Charges, be administered upon any such Disputes, by Three or more indifferent Persons appointed by Law to act as Commissioners, to hear and finally determine them, and ascertain the Boundaries and Proprietorships of the Lots within the said City, as near as may be, according to the true Intent and Meaning of the Original Surveys of such Proprietorships, and of the Lots of the Town and Port of Annapolis, made by M^{r} Richard Beard deceased; it is therefore prayed that it might be Enacted,

II. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Colonel William Holland, Colonel Thomas Addison, Captain Daniel Mariartee, and M^{r} Alexander Warfield, or any Three of them, be, and are hereby appointed, authorized and impowered Commissioners for hearing and finally determining, all or any the Disputes that have and may arise among any the Takers-up, Improvers or Purchasers of all, or any the Lot or Lots of Land laid out within the said City, concerning either the Property or Bounds of any the said Lots; and that to that End, the aforesaid Commissioners, or the major Part of them, together with James Stoddart, Esq; who is hereby appointed to survey the aforesaid City, and the several Lots, Streets and Public Grounds therein, do, sometime before the First Day of August, in this present Year of our Lord God Seventeen Hundred and Eighteen, meet within the same City, and calling

Bacon before them, or the Major Part of them, the respective Proprietors and Claimers of the Lots aforesaid, hear and examine their Pretensions thereto, and cause the Bounds thereof to be ascertained and staked out, according to the true Intent and Meaning of the original Plat or Survey of the Town of Annapolis, heretofore made by the aforesaid M[r] Richard Beard so that no Man that has built by Mistake, be Ousted of his Possession; and finally to ascertain the Properties of the several Claims therein; and cause their several Determinations to be fairly transcribed, and transmitted in the Secretary's Office of this Province, as the settled and indisputable Bounds and Properties of all and singular the said Lots, and Parties claiming the same.

III. And to the End that the respective Owners of any Parcels or Quantity of Lands lying within the Survey or Plat of the said City, may receive just and equitable Satisfaction from the several Claimers or Possessors of such Lots as may happen to fall within the respective Bounds they claim Property in; Be it Enacted, by the Authority, Advice and Consent aforesaid, That such respective Owners or Claimers of any Quantity or Parcel of Land lying within the said City, do appear before the said Commissioners, at or before the First Day of August next, or at any other Day or Time as the said Commissioners, or the major Part of them, shall appoint or direct at the said City, and upon Oath by the aforesaid Commissioners, or any of them, to be administered to them, declare whether or no they know, or have heard, of any Satisfaction or Payment for all or any Part of the said Lands heretofore made, to themselves, or any others, by, from, or under whom, they claim the same; and that at the same Time the said Claimers and Owners of such Quantities or Parcels of Land, make good, and shew to the said Commissioners their respective Rights and Claims to the aforesaid Lands, and receive such reasonable Satisfaction therefore from the respective Proprietors of Lots within such their Lands, as the aforesaid Commissioners, or the Major Part of them, Shall direct; and that in Default of such Claim, and making good their several Rights to the aforesaid Quantities or Parcels of Land as aforesaid, they, the said Claimers and Proprietors, and their Heirs and Assigns, shall be for ever hereafter precluded and barred from any Claim, Right or Interest thereto; and the aforesaid Quantities or Parcels of Land, shall be deemed to be held by the Owner of such Lots, under the like Rents and Services as other Lots and Lands within the City aforesaid, now are.

IV. And whereas, for the better Encouragement of poor Tradesmen to come and inhabit within the said City, and

carry on their respective Trades therein, the Corporation of Bacon
the said City have supplicated this General Assembly, That Twenty more small Lots should be laid out and added to the said City; Be it therefore Enacted, by and with the Authority, Advice and Consent aforesaid, That the said Commissioners, or the major Part of them, by this Act nominated and appointed, shall cause Ten Acres of the Public Pasture, lying on the North Side of the said City, and to the Eastward of the Ferry Road that leads by the Hill whereon the Powder-House now stands, to be surveyed and staked out into Twenty Lots, to be taken up by any Person or Persons that shall build a Dwelling-house upon the same, according to the Directions of the aforesaid Act for erecting Ann-Arundel and Oxford Towns into Ports and Towns; which Taking-up and Building upon as aforesaid, upon paying to the Proprietors of the said Ten Acres, what sum the said Commissioners, or the major Part of them, shall assess and award to be paid for each Lot, shall, by virtue of this Act, make and vest a sure and indefeasible Estate in Fee, in and to the respective Takers-up and Builders thereon, and to their Heirs and Assigns, in all or any the aforesaid Twenty Lots so to be laid out as aforesaid; any Law, Statute or Usage to the contrary notwithstanding.

V. Provided nevertheless, and it is the true Intent and Meaning of this Act, That no Person already possessing a Lot, or any Part of a Lot, within the said City, shall have Liberty to take up any of the said Twenty Lots, for and during the Space of Two whole Years from the laying out the said Twenty Lots; nor shall any Person take up any the said Twenty Lots in the Name of any other for his own Use.

VI. And for the continuing the Succession of Commissioners and Surveyor until the Business referred to them be compleated; Be it Enacted as aforesaid, That in case of the Death or Absence of any the said Commissioners or Surveyor, that the Survivors be, as they are hereby, impowered to choose others, by Majority of Voices, to serve in the stead or Place of such as are absent or deceased; and also that the said Commissioners be allowed each Fifteen Shillings per Day for their Attendance; and that all Charges arising on the Execution of this Law, shall be ascertained by the said Commissioners, and Satisfied and raised by an equal Assessment by the Lot, upon the several Proprietors thereof, to be levied in such Manner as the said Commissioners, shall direct; and the said Commissioners, or the major Part of them, are hereby impowered and authorized to enquire if any Thing be due; and, if any Thing, what is due from the Public for any Part of the Lands laid out in the City aforesaid, for the Use of the

Bacon Public? And to make their Report thereof to the next Assembly, to the End that the Proprietors of the said Lands may have just Satisfaction made them for the same.

VII. And be it likewise further Enacted, That the Clerk of the Mayor's Court, for the Time being, be Clerk to the said Commissioners, to enter their Proceedings in the Premises aforesaid, which said Proceedings shall be entered in the Records of the Mayor's Court, whereto all Persons concerned may have Recourse.

VIII. And be it likewise Enacted, That the Commissioners aforesaid, shall take the Oaths appointed to be taken by the Act for ascertaining the Bounds of Land within this Province, in the like Manner as is directed by that Act.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, May 14–June 6, 1719.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. U. H. J. Original p. 1

Att a Session of Assembly begun and held at the City of Annapolis in the Province of Maryland on Thursday the fourteenth day of May in the fifth year of the Reign of our Sovereign Lord King George &c. And in the fourth of his Lordships Dominion &c Annoq D^ni 1719

Present

His Excellency John Hart Esq^r Governour

Col° W^m Holland	Col Ric^d Tilghman
Col Sam^l Young	Henry Lowe Esq^r &
John Hall Esq^r	Col Matt: Tilghman Ward.

Members of his Lordships Honble Upper House of Assembly

The Gentlemen of the Lower House Acquainted his Excellency there are a Sufficient number of Burgesses mett to make a House

Thereupon Ordered that Col° Samuel Young & Col° Ric^d Tilghman go to the Lower House and administer According to Act of Assembly the severall Oaths Appointed to be taken to the Government to the severall members of that house, And that the Clerk of this House attend them. p. 2

The af^d Gentlemen appointed return and say they have Administred the severall Oaths appointed to be taken as af^d to the severall Members of the Lower House that were present being forty Eight and that they have Subscribed the Test according to Law And the Oath of Abjuration

His Excellency Orders Col° W^m Holland and Matthew Tilghman Ward Esq^r to acquaint the Lower House, that he Requires them Imediately to Attend him in the Councill Chamber.

Who Return & Say they Delivered the Message

Whereupon the Gentlemen of the Lower House appearing His Excellency requires them to return to their own House and make Choice of a Speaker.

M^r Robert Tyler and Col John Mackall from the Lower House Acquaint his Excellency that they have made Choice of a Speaker. p. 3

Thereupon his Excellency Directs Col Samuel Young & Henry Lowe Esq^r to Acquaint the lower house, he Requires them to present their Speaker to him, for his Approbation

U. H. J. Who Return & say they Delivered the Message

The Gentlemen of the Lower house thereupon present Robert Ungle Esq^{r} as their Speaker with whom his Excy Declares himself very well Satisfyed.

And Opens this Sessions with the following Speech Viz.

Gentlemen of the Uper & Lower Houses of Assembly

I should not have Convened you at this Season of the year if the necessity of Affaires did not make it Absolutely Requisite, And that I Promise myself the same assiduous & unanimous Application to the Dispatch of Business for the Publick Good, will be Emulated & Exerted as well in this as in the late happy Assemblys, I have had the pleasure to meet and part with.

p. 4 I have it in Comand from my Lords Guilford and Proprietor to Lett you know how Gratefull your Asserting the Publick Authority of their Courts and the ꝑsons of their Ministers is to their L^{pp} and also to Acquaint you that the ꝓceedings of the Last Assembly was for the most part Approved by them.

Their Lordships have thought fitt that the Act made in the Last Sessions Entituled an Act for the Better Supporting of Magistrates in the Adm^{rcon} of Justice and for the Disabling Tho^{s} Macnemara Esq^{r} to Practice the Law therein, should be Declared to be Null Void and of no Effect

Their Lordships are pleased to Express themselves on this Perticular that they do think such a Law very necessary. But forasmuch as there is tackt to it a Clause ag^{t} a perticular ꝑson without Hearing the Party w^{ch} is the undoubted Right of Every One of his Majesties Subjects for this Reason their Lordships on very Good Advice and Deliberation are Obliged to Dissent to the s^{d} Act.

Gentlemen of the Lower House

I am ignorant of the Motives Induced you to pass the aforementioned Bill more then from the Reasons sett forth therein, which in my Opinion are Strong and well Expressed And the facts Alledged such known Truths, that I doubt not you had Taken all Measures Proper to the Occasion.

p. 5 But I must aver and Declare that the Party named in that Bill did not Apply himself to the upper House where if he had Cause he might have been relieved nor to me as Gov^{r} who had a Negative on that Bill thô there was some time Between the Passing it in Both Houses & my fixing the Seale and Assenting to it as an Act.

I shall send Down to Your House the Opinion of Councill Learned in the Laws of Great Brittaine on the Partys Suspention from his practice by that Act. The Cases as they are Stated to the Lawyers and their Sentiments on them are worthy your Observation. But I must remarke to you should this Party or Others be suffered to Insult the Courts as he has so Often done with Impunity it would Destroy the very Essence of all Authority and Power amongst you which are Principally Constituted to pull down & Punish the Haughty and the Bad, and to Support and Cherish the Humble and the Good. I do therefore recommend it to you to make such ꝓvision as may Support the magistrates in the Admin^{rcon} of Justice which may not be Liable to the former Exceptions and this you will find Agreeable to their L^{pps} Opinion and Inclinations. U. H. J.

Gentlemen of the Upper and Lower Houses

I have the Hon^{r} to Receive late L^{rs} from their L^{pp} Signifying their Concern and Resentments for the Indiscreet and Malicious ꝓceedings of some of the Roman Catholicks ag^{t} me which gives me Great Satisfaction so that Depending on their L^{pps} favour and Protection It is unwillingly I again name that Communitie in a Publick manner were it not to Disabuse those ꝓsons whom they have unjustly Prepossessed ag^{t} me by Urging that the Roman Catholicks are under a Persecution in Maryland which in this Place is so well known to be a Notorious untruth that It scarcely Deserves a Replie. p. 6

But their Clamours on this Score haveing reached Great Brittaine with very Aggravating Circumstances, I am Laid under a necessity of Justifying my Character from this Barbarous Imputation in this Open Way to the World by Declaring I never had Other Views or Intentions ag^{t} the Roman Catholicks but to Prevent their Imploying of offices or having any Influence Either Publickly or Privately on the Adm^{rcon} of the Governm^{t} And this I look upon as my Indispensible Duty as a Gov^{r} and know no Cause to Alter my Sentim^{ts} when in a Private Capacity And am always ready when required to Give an Account of my Conduct and Stewardship to my Superiors

As for the unreasonable Cry of Persecution I do now in the face of the Country Challenge & defie the Roman Catholicks or their Adherents to shew one Instance wherein they or any of them have been persecuted for Conscience Sake Or Even ꝓsecuted by Law on that Account And this I Require may be made as Publickly as Possible to the End that all that are Concerned may have due notice of it both on my Own p. 7

U. H. J. Account and for the Justification of the Magistracy of this ꝑvince from these false Assertions of Violence & Inclemencie I am now Convinced there are some of the Romish Perswasion and to their Praise I speak it who have not Joined with the Majority of that People in their Late Ambitious Pretention yet whatever Provocations these last have Given me I shall now make them no Other Return but to Compassionate their mistakes and to Conjure them for their Own peace to Live Quietly and Contentedly in their never yet Disturbed Habitation under the Protection of this Protestant Governm^{t} without Intermedling with the ministerial Part of it or Draw the Resentm^{t} of the Laws on them by their Pernicious and mistaken Zeale in making Proselytes to their Religion of w^{ch} there is but too much Cause to Complain and I can Assure them, they are not to hope for Other terms from the L^{d} Proprietor When of age, For that noble youth has Solemnly Promised to make the Law Justice Clemency & Loyalty the Standard of his Governm^{t}. These are Pious wise and manly Resolutions And his Lordship has Given me Leave to Assert
p. 8 (w^{ch} I do in his Own Words) That His Actions will always correspond with his Declarations. Such Gracious Expressions from his L^{d}ship fills me with a real Pleasure. I coud not wish a Happier Exit to my Cares. And I doubt not after the Test of some years to Come It will be found I have been Contending for his Lordships True Hon^{r} and Intrest as well as the Peace and Prosperity of this flourishing Province. And I do most Heartily Congratulate you on the fair Prospect you have of Both Before you. And may the Bounty of Heaven Preserve & Encrease these Blessings to you till time is no more.

Gentlemen of the upper and Lower Houses

I am informed that since the Printing the Laws of this ꝑvince That the Act Comonly Called the Repealing Act w^{ch} you will find in the Printed Volume Page 170 has Created a doubt in the minds of many as if that Act had Repealed all the Laws made that Session. It must be Acknowledged that Act is not so Clearly & well Expressed as it might and Ought to have Been, but as the Scruples that are Raised upon it may Prove of Evill Consequence it Lyes upon You to make such
p. 9 an Explanation as shall remove all Contests that may Arise in Arguments on it.

The Lives and fortunes of the Subjects Depending so much on the Integrity and Capacitys of Juries I offer it to Your Consideration whether the Laws make a suff^{t} ꝑvision for the Return of Juries, and whether those Laws are well Executed or not And as you are by the Lord Proprietors Charter to

Come as near as Possible to the Laws & Customs of England U. H. J.
I proposed it to you to follow their Example where no Comoner is thought to good to serve his Country as a Juryman. You have already Given so many signall Proofs of your Zealous Inclinations to Propagate Learning within this ꝑvince that I need not Inforce the necessity of it by further Argument, But as I know your Abilities do not Come up to your Desires for that Laudable End, And that as yet the fund you have ꝑvided is not Suff^{t} to maintaine One Free School at Least in Evry County as it is much to be Wished it would I Offer it to Your Consideration, Whether on Your Humble Address to his Sacred Majesty (to be Transmitted by my L^{d} Propr^{y}) Setting forth the Truth that you receive no Bennefitt or Advantage on the Duty Laid on your Tob^{o} Exported to the Other Plantations Altho that Duty is Appropriated by the Crown to the promoteing of Learning in those parts of his Majestys Dominions it is not Probable his Majestie who has
Given so Large Examples of his Goodness for the Encourage- p. 10
ment of Learning in Great Brittain will be pleased to Extend his Bounty here and Direct you some Benefitt Equivalent for that fund that was Intended for the Encrease of Learning Amongst you.

I say what may you not Expect from so Pious so Gracious and so Benevolent a Sov^{n} as now fills the Throne whom God Long Preserve in all Felicity to do so

There are so many Advantages for the making & Repairing High Roads that the thing speaks [for] itself, so shall only Observe to you that the Laws in force for that Purpose are not in many Parts of this Province put in Due Execution as I Conceive it Proceeds from the Want of a Suff^{t} Penaltie on the Overseers and on those that Refuse to pay Obedience to their Orders And that Generally the Meanest of the People are Appointed to those Offices w^{ch} Oblidges me to Repeat what I sayd on another Occasion no man is too Good to serve his Country I recomend to you in a Perticular Manner as a Publick use and Hon^{r} to this ꝑvince that you will make such ꝑvision as you shall find necessary for the Building a Bridge over the River Patuxent at Queen Ann Town in this County And for making a Safe and Convenient Road Over that Dangerous Place, called Kent Marshes on the Eastern shoar these two places being the Great Road through the Heart of
this Country And also the usual and Shortest Passage for p. 11
all Travellers, to & from his Majesties Plantations on this Continent.

Since I find the Excessive Charge of the Country for the Killing of Squirrels does not Decrease in Proportion to what was Expected I do again Desire that Law may be Taken into

U. H. J. Consideration and this I Propose from my Tender Regard for the good of this ꝑvince which I shall always have at Heart and am even Careful least you should Hurt your Selves thô by your Own Consent And what will Posterity and Strangers say when they are Informed the Warr you make on these Little Animalls has Cost this Country by a Modest Computation in One year 7000 pound Sterling.

When I reflect on the Happy Increase of the Youths in this ꝑvince and the Vast importation of Europeans and negroes into it yet that the number of your Taxables do not Amount to what it might be reasonably Expected from these Causes it is naturall from hence to Conclude that there are not Just returns made to the Publick this is worthy Your Inquisition And in my Opinion there Cannot be too severe Penalties Imposed on such who will fully Conceal there Taxables and so Defraud the Publick whereas all that Receive Protection from your Laws Ought to bear an Equall Proportion of that Charge w^{ch} is Levyed for the Comon Good.

p. 12 Gent. I have after my Accustomed Method laid before You the Intention and End of y^{r} meeting and what I have Offered is in the Sincerity of my Heart Proposed for y^{r} Wellfare.

But as you are I thank God a Free People so may accept or Refuse what I Now Deliver to you as you shall find it for the Conveniency or Inconveniency of your Country

John Hart

p. 13 After which the Gentlemen of the Lower House withdrew

M^{r} John Rousby and M^{r} Philip Lee acquaint this House that they have made Choice of Michael Jenifer Gent. to be their Clerk and Accordingly Present him to be sworn.

Thereupon the said Michael Jenifer qualifyes himself by takeing the severall Oaths Appointed by Act of Assembly to be taken to the Governm^{t} And the Usual Oath of Clerk of the Lower House, and withdraws

His Excellency Acquaints this House that by their Lordships Comands he lays before them their Lordships Answer to the Address from both Houses last Sessions, Which is as follows

Baltemore
Guilford } Gentlemen of the Upper and Lower Houses of Assembly

The Dispatch given to the Publick Affairs in your last Sessions, And the unanimous Concern you have Shewn for the Just Authority of our Courts, And the Persons of our
p. 14 Ministers is most gratefull to us. And you have thereby not

only manifested the Satisfaction you take in our Dominion U. H. J.
over you but in some measure added Strength to the Liberties and Properties of those you Represent, The Good People of Maryland. Therefore we think that the Generall Part of the Act Entituled An Act for the better Supporting the Magistrates in the Administration of Justice within this Province and for the Disabling Thomas Macnemara Esq^{r} to practice the Laws therein very necessary. But forasmuch as we find Tacked to it a Clause against a Particular Person without hearing the Party, which is the undoubted Right of every one of his Majesty's Subjects, we are obliged to dissent to the said Act; And We hereby Declare the same to be Null Void and of no Effect

Laws made against persons ex post facto have been Rarely passed in England but always Esteemed severe and We hope such a Generall Act may be made as will so Effectually Reach all particular Persons for the future that there may be no more Occasion to have Resort to the like Extraordinary means.

We are much concerned to hear that Rigorous & Oppressive Suits Contrary to your Laws have been Carryed on against any the Inhabitants of this Province, But we have had such great Experience of the wisdome and Justice of the Adminis- p. 15
tration under his Majesty in all its parts that we are sure such Proceedings Can never be Incouraged, And that they may be Rightly Represented, We have taken an Opportunity to lay your Representation thereof before the Commissioners of his Majestys Customes

Gent. As you have known us so long you may make a very good Judgment from our Actions That we have nothing more at Heart than the Protestant Establishment with a Tender Compassion to Consciences Truly Scrupulous Dissenting from it,

Therefore let no Imaginations or the Suggestions of Evill minded men, who neither Regard your Prosperity or our Authority make you Apprehend that any Endeavours either publick or Private Can have the least Influence on the Confidence Established between your Lord & Proprietary and his Great Council Convened in General Assembly

Thereupon his Excellency sends it to the Lower House with the following Message Viz.

M^{r} Speaker. I Desire you will Acquaint the House the Right Hon̄ble my Lords Baltemore & Guilford have Comanded me to lay their Lordships Answer to the Address of the last Assembly, before the first meeting of an Assembly, which

U. H. J. p. 16 is herewith sent you, And you are according to their Lordships Pleasure to Communicate it to the House

May the 14th 1719 Jo: Hart

Sent p John Hall Esqr & Col Ricd Tilghman who Return & say they Delivered it

Ordered that thanks be Returned the Reverend Mr Samuel Skippon for his Excellent Discourse in his Sermon of this Day

And that Col Wm Holland & Saml Young Esqr on behalf of this House Return Thanks Accordingly

The House adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as Before noon

Col Wm Holland & Saml Young Esqr Say they have Returned the thanks of this House to the Revrnd Mr Skippon according to the Order made before noon

The House adjourns till to morrow morning

p. 17 Friday May the 15th 1719

The House meet according to Adjournment

Present

Wm Holland Esqr	Ricd Tilghman Esqr
Saml Young Esqr	Henry Lowe Esqr
John Hall Esqr	&
Thos Addison Esqr	Matt. Tilghman Ward Esqr

Col Nathl Hynson & Mr Chas Wright from the Lower House with the foll° message Viz.

By the Lower House of Assembly

May the 14th 1719

May it please yor Excy & Honrs.

This House in order to dispatch business as much as in them lyes has made a Resolution to Sit from Eight of the Clock in the forenoon till Eleven & from One Till five of the Clock in the Afternoon dureing this Sessions and desire to know whether the Time Resolved on be agreeable to your Excellency & Honours.

Signed p order Mic. Jenifer Cl. Lo. Ho.

In answer whereto the following Message is Prepared Viz. U. H. J.

By the Uper House of Assembly
May the 15th 1719.

Gent. This House Concurrs with your House in the Times proposed for your dayly meeting and Adjourning dureing this Sessions p. 18

Signed p Order John Beard Cl Up ho.

Sent to the Lower House by Col Addison who Returns and Says he Delivered it.

Mr Joseph Hill and Mr Thomas Edmondson Present to this House, Mr John Brannock a Member Chosen for Dorchester County to be Qualifyed by takeing the severall Oaths Appointed to be taken to the Government. Who Accordingly in their presence qualifyes himself by takeing the said Severall Oaths, and withdraws.

His Excellency layes before this House the Lawyers Opinions relating to the Act for the better Supporting the Magistrates in the Administration of Justice within this Province, And for the Disabling Thomas Macnemara Esqr to practice the Law therein as follows Viz.

Thomas Macnemara mentioned in the within Act is a Barrister at Law of the Society of Grays Inn, and thô he lived at Annapolis, where the Assembly that made the within Law Satt yet he never was Called upon or sumoned to Appear before the Assembly to answer any Charge against him but the Act was Carryed with so much Secrecy That he had no Opportunity of Justifying and Defending himself, And tho he by accident had some Intimation of it And did thereupon Exhibit A Petition Praying leave to be heard against the Bill yet no Order was made upon it but after the Assembly was Prorogued their Clerk return'd him his Petition without any Answer p. 19

The General Insinuations Contained in the Preamble are in themselves Groundless and the said Macnemara's greatest Enemies have not been able to prove any undue or Unfair Practice on him in one Single Instance

1 Querie. Whether an Act grounded on such general Surmises and carryed on in such a manner be not Illegal & Arbitrary And whether the Lord Proprietary Ought not in Justice to Dissassent thereto, as being a thing without Precedent And Touching on the Freehold and Liberty of the Subject and whether any Facts mentioned in the Preamble of the said Act do in Law Unqualify the said Macnemara from his Practice

U. H. J. p. 20 Answer. I never knew nor heard that the Legislature of any Civilized Country ever past an Act so Arbitrary and unjust as this seems to be, and I am verily perswaded, That if application be made to the Lords Proprietors, they will Refuse to Ratify it. And I am of Opinion that if Applicacon were made to the King in Councill such an usage of one of his Majestys Subjects would be Directed to be Examined into, And if It Proves as Represented some Redress wou'd be Directed which might in Consequence Affect the Interest of the Lords ꝓprietors and of the Colony of Maryland

Jo: Hungerford 23 Aug: 1718

The manner of passing this Act without hearing M^r^ Macnemara in his own Defence is Contrary to the Comon Rules of Justice, And is a Denyall of that Right which Every Subject is by Law Intituled to from which Reason as well as from the Nature of the Act itself which Appears to be very Severe And is not Supported by former Instances in the like
p. 21 Cases It Deserves the Reexaminations of the Lords Proprietarys, And their Dissent thereto, if upon such Examination it shall Appear unjust as is represented, And more Especially because the matters suggested against M^r^ Macnemara are not of themselves Sufficient to Render him Incapable of practicing.

Question. Whether the s^d^ Macnemara by vertue of the said Act And the Exception made to the Saveing is not Disabled to Carry on the Crowns Business in Chancery

The Exception in the saving being Generall leaves M^r^ Macnemara subject to the Disability Imposed by the body of the Act. In Consequence whereof he is Disabled from Prosecuteing any Causes of the Crown in the Court of Chancery.

1^st^ Sept^r^ 1718 Tho^s^ Pengelly

I am of Opinion It is not proper to Confirm this Law, but to repeal it, for that it past hastily without hearing M^r^ Macnemara, which was Against Naturall Justice to Punish a man
p. 22 unheard, and without giving him an Opportunity to be heard.

Besides the Allegations of the Act are too Generall the Particulars of the Crimes not being Expressed

However I am of Opinion if a Practitioner behave himself Disrespectfully or Insolently to any Courts in Court, such Court hath Power to Record the words which make the Offence, and to Suspend the Offender from Practice in such Court, And if the Offender be ordered to Submit to the Court and begg pardon for his Offence And he refuse so to do, Or the Offence be Extraordinary or Repeated, the Court may deprive such offender of his practice in that Court And if such Records be made in severall Courts, or he be Convict of Of-

fences against the Courts And Refuse to Submitt or be gen- U. H. J.
erally Insolent & Misbehaving himself to the Courts of Justice
And his Offences are multiplyed It will be Just and Reasonable
for the Assembly On hearing such Offender or giving him
Opportunity of being heard, & having Satisfaction of his
Guilt, for the Quiet Adm^n of Justice, and the supporting of
the Courts by Act of Assembly to make him Incapable to
Practice any more in any Court within that Island

I think the being of Council for Malefactors the Council
behaving himself with duty & Respect to the Courts is not to be
Objected ag^t him

29 October 1718 Edward Northey

After which his Excellency is Pleased to send them to the p. 23
Lower House with the foll° Message Viz.

M^r Speaker. I Desire you will acquaint the House, the
Inclosed are the Lawyers Opinions I mentioned yesterday,
which are the Opinions of Council as I am Informed feed by
M^r Macnemara on this Occasion.

The Opinion of S^r Edward Northey on the back of the late
Law herewith sent you, sufficiently (as I think) Justifys my
Proceedings Against M^r Macnemara in the Chancery Court
and may be of use to the severall Courts of this Province

Jo: Hart

Sent p Col° Ward who returns & says he D^d it

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as in the morning

The House adjourns till To morrow morning p. 24

Saturday May the 16^th^ 1719

The House meet according to Adjournment

Present

Col W^m Holland	Phile Lloyd Esq^r
John Hall Esq^r	Col Ric^d Tilghman
Col Sam^l Young	Henry Lowe Esq^r
Col Tho^s Addison	Col Matt Tilghman Ward

A Bill for Encouragement of an Iron Manufacture within
this Province, being Read the first Time It is ordered to lye on
the Table for a second Reading

U. H. J. Col Thomas Addison & Henry Lowe Esq[r] att their Requests have leave of this house to go on their private Affairs for three days.

The House Adjourns till Afternoon

p. 25 Post Meridiem

The house meet according to Adjournment And Adjourns till Monday morning

Monday May 18[th] 1719.

The House meet according to Adjournment

Present

Col Holland	Col Ric[d] Tilghman
John Hall Esq[r]	&
Col Young	Col Matt: Tilghman Ward.
Phil Lloyd Esq[r]	

This House preferr to his Excellency the Governour their Address as follows

By the Uper House of Assembly

May It Please yo[r] Excy

It being the undoubted Right of the Supreme Authority
p. 26 when and as often as shall be thought necessary for the Comon good, no Circumstance of Time ought to Restrain us thô to our Disadvantage when our Duty Calls us to the Service of our Country which Service we the more Cheerfully enter upon at this Time, That we have our hearts filled with Joy and Satisfaction to find that their Lordships Contrary to the Opinion of some People have Approved of most of the Proceedings of the last Session of Assembly And more Especially for the Encouragem[t] they have given us to Concert such proper measures as shall most Effectually Support the Authority of the Courts of Justice, and protect the Persons of his Lordships ministers, As your Excellency hath been pleased to Declare to us in your Kind Speech to both Houses of Assembly

This, S[r] Gives us a fitt Occasion of Acknowledging our Gratitude to your Excellency for all your good Offices with their Lordships in Setting matters forth in so true a light that we have now nothing left us to fear, from the practices of a Restless and Turbulent People, notwithstanding the Designs they were forming in the Person of our Lord Prop[ry], against our Establish't Government in the hands of Protest-

ants, But we thank God they are not only Disappointed in U. H. J.
their p^{r}sent Views but seem Intirely Defeated in all their p. 27
future Prospects of Disturbing the Tranquility of this Province upon a weak And as It appears a Groundless Supposition that the nearness in blood to some Gentl of the Romish Religion wou'd have Influenced his Lordship to Countenance that Party by breaking in upon our Present Protest^{t} Establishm^{t}

But forasmuch as his L^{dship} hath given us Entire Satisfaction upon that head, by some late Transactions Confirmed to us in such a Gracious manner That we must own we want words to publish our Just Resentments of his Lordships good Inclinations, more Especially in Comanding Your Excellency to let his Great Councill of this Province know That his Lordship is Resolved That his Actions shall always Correspond wth his Declarations, haveing before promised to make Law Justice Clemency & Loyalty the Standard of his Government,

What is there that we have not Reason to hope for from such generous beginings, where Reason hath prevailed over nature in the Exercise of those manly Faculties that are Rarely found but in men of Advanced Years. We have such p. 28
a dependency on his Lordships Honour and Sincerity in those Engaging Declarations That we take the Liberty in this Publick manner to Request your Excellency to Assure his L^{dp} on our behalf that his goodness & Tender Regards of his faithfull Tenants here will allways meet with suitable Returns of Duty Integrity and Affection, such a Conjunction must needs Establish a happy Constitution, the Greatest blessing any People Can Desire.

May it Please your Excy.

After having Published Our Own Happiness in their Tender Regards their Lordships have Expressed to both Houses of Assembly Give us leave now S^{r} To Congratulate your Excellency upon their Lordships Kind Declarations in your Own favour by Intirely Condemning the Indiscreet and Malicious Proceedings of some of the Roman Catholicks against you Dureing your Administration here, which Cannot but give your Excellency a peculiar Satisfaction, As it p. 29
Justifies your Conduct from the many Repeated Calumnies Cast upon you by a Party that sought your Ruine

We hope now that their Lordships have been undeceived as to the True motives and Inducem^{ts} of many of our Late Proceedings, And that the Cryes of Persecution, Persecution will never more Engage nor so much as move their Lordships Compassion unless proved as well as Complained of

We Readily Acquiesce with your Excellency in affirming that we know of no Person ꝑsecuted meerly upon the Account

U. H. J. of his Religion, but if Laws for the Preservation of the Peace & Tranquility of this Province without Infringing the Rights or Priviledges of any Particular Person be Accounted Persecution, then we must Confess ourselves a persecuteing Administration, but that the Consequence of such a notion must needs be that all wholesome Laws made for the Preservation of life or Property wou'd for the same Reason be Deemed a persecution of Felons & murtherers, A Principle of so horrid and Salvage a nature in itself that every Comunity of Reasonable Creatures will Explode it as Destructive of all civill Society

p. 30 As to the Proceedings against a particular person mentioned in the Act for the better Supporting of Magistrates &c. We are Inclined to believe that no other Circumstance than that of Condemning a Person unheard would have prevailed to the Repeal of that Act which their Lordships in a Just Regard of the Rights and Liberties of an English Subject Cou'd not in prudence Justify after some Eminent Practitioners in the Law had given their Opinions that It was Arbitrary and Illegal Altho we have but Just Reason to Suspect that the party therein Charged having a Just Apprehension of his own Demeritts forbore makeing any application in our house, lest if he had been Condemn'd here, his Project had been Defeated in Designing to Clamour in England against the Justice of the Act, which Design Manifestly Appears by his Artfull Management in Deferring his Petition to the lower house untill after the bill had been Engrossed there (which if we are not misinformed was the Answer of that house to him, And the

p. 31 Foundation of his Complaint in England that he was Condemned unheard.)

The Propagation of Learning And with it the Principles of Christianity in this Remote Part of the World is a Subject Worthy the Consideration of all good and Pious Christians. But forasmuch as all our Funds now settled fall short of the End Designed, we are by such Incapacity made so much the more Sensible of our misfortune That the Revenue arising from the Duty of One penny ℔ pound on Tobacco Exported out of this Province is wholly applyed to the maintenance and Support of a Colledge of Learning in Virginia which the youth of this Province Reap no manner of Benefitt by Altho' we are much worse Provided with Private Schools than that Colony. Wherefore we Cannot upon this Occasion help Expressing our Desires that some proper & Dutiful Application were made to his Sacred Majesty, whose Gracious and Bountiful Liberality hath Diffused itself into all, even the Remotest Parts of his Majestys Dominions, That his Majesty woud be pleased to appropriate so much of the said one penny ℔

pound as arises on Tobacco Exported out of this Province to U. H. J.
the use & Benefitt of the Free school already founded here,
or otherwise that his Majesty would be Graciously pleased of p. 32
his bounty to Grant us some Equivalent Advantage for the
Encouragem[t] of the youth of this Province, where, we Dare
boldly Affirm that his Majesty hath as many Dutifull and
Loyall Subjects as in any other Part of his Royall Dominions In proportion to the number of the Inhabitants thereof.

As to the severall other matters Contained in your Excellency's Speech, we shall Diligently Apply ourselves to the dispatch of all business brought before us this Sessions for the Good of our Country.

What now Remains upon us is to make a Dutiful Acknowledgm[t] of your Excellency's most Assiduous Endeavours in putting us upon such an Establishm[t] as gives a Pleasing Prospect of Liberty and Property to this Province for ages to Come

Signed p order
John Beard Cl Uper House

The House Adjourns till Afternoon p. 33

Post Meridiem

The House meet according to Adjournment

Present as before noon

A Petition of the Vestrymen and Church Wardens of St. John's Parish in Baltemore Co[ty] being Read is Endorsed as follows.

By the Uper House of Assembly
May 18[th] 1719.

The within Petition having been Read and Considered in this house, And my Lord's Agent Informed thereof who Declares he has nothing to Offer Against it on account of the Lands being Escheatable, It is Referred to the Consideracon of the Lower House if they think it Reasonable to give leave to bring in a Bill as prayed

Signed p order
John Beard Cl Up ho.

Sent to the Lower House by Esq[r] Lloyd who Returns & says he Delivered it

Panquash & Annatoquin Great men of the Nanticoke In- p. 34
dians by their Indian Interpreter Anthony Complain that there is a White man nam'd Roger Fowler has made a Settle-

U. H. J. ment within the Bounds of their Land at Checkacone who pray they may be Removed

That the English bring strong Drink to there Towns and Sell it among their Indians to their great Prejudice.

Tom Bishop on Behalf of the Choptank Indians By the same Interpreter Complains that the English have Very much Incroached upon them in Settling within the Bounds of their Land at Choptank so that they are now Drove into a small narrow neck called Locust Neck.

Thereupon Ordered that the said Roger Fowler or any Other Person who hath made any Incroachment on the said Indians by settling within the Bounds of their said Lands Remove thereout by the first day of Jan^{ry} next as they shall Answer the Contrary att their Perrill

Ordered that Commission be made out According to Act of
p. 35 Assembly & Directed to Phil Lloyd Esq^{r} Col^{o} Rich^{d} Tilghman & Col Ward to Decide the Differences of Consequence that shall Happen Between the English & Indians on the Eastern Shoar whether it be about the Bounds of their Land or Otherwise as the Case shall Require

The House Adjourns till To morrow morning

Tuesday May 19. 1719

The House meett According to Adjournment

Present

Col Holland	Phil Lloyd Esq^{r}
Col. Young	Col Rich^{d} Tilghman
John Hall Esq^{r}	Col Matt Tilghman Ward

Tobias Pollards Petition being Read & the Evidences Examined in Relation thereto, the following Message is Prepared Viz.

By the Uper House of Assembly

May 19th 1719

Gentl.

Upon Evidence Given after Reading of the Petition of Tobias Pollard herewith sent you, This House is of Opinion that not Only his Excy the Gov^{r} in particular but the whole Legislature of this pvince in Generall is basely Affronted & Reflected on by a member of your House wherein as we take
p. 36 it your House is Particularly Concerned for if the Pet^{r} were a tool in the Case alledged what Opinion must the Country have of their Representatives, who are so Easily Influenced and

Perverted by one Single ꝑnicious ꝑson to Consent to the Ruin of their Country. Such practices, we take to be Barbarously Malicious And of Very ill Consequence in the Effects of them as Tending to Create Jealousies and Distrust Between the People and his L^{pps} Gov^{r} and Both Houses of Assembly. U. H. J.

If upon Examination you find the facts the Gentl: is Charged with all to be True we do not in the Least Question But that you will Readily fall into such measures As in your Wisdom shall seem meett most Effectually to Discourage & Prevent such base & Dangerous Practices for the future.

Signed ꝑ Order
Jn° Beard Clk. Up Ho.

Sent ꝑ Col Tilghman who returns and says he Delivered it.

The Petition of John Deavour a Languishing Prisoner in Baltemore County desiring Relief, being read in this house is referred to the Consideration of the Lower House and so Endorsed.

The House Adjourns till afternoon p. 37

Post Merediem.

The House meett According to Adjournm^{t}

Present

Col° Holland	Phil Lloyd Esq^{r}
John Hall Esq^{r}	Col. Tilghman
Col. Young	Col. Ward
Col. Addison	

The Petition of Samuell Lyle of Calvert County a Languishing Prisoner being Read is Referred to the Consideration of the Lower House and so Endorsed and sent to the Lower House ꝑ Col° Ward who returns & says D^{d} it.

His Excellency Offers to this House as a very Great Misfortune that about Thirteen Months ꝓceedings of the Councill in the Last of M^{r} Bladens Time is not to be found and Desires this House will Inquire into them

Tho^{s} Bordley Esq^{r} and Eleven Others Bring from the Lower House the Address of that House to his Excy as follows Viz.

By the Lower House of Assembly. p. 38

May the 19th 1719

May It please your Excellency

The many Important Occasions your Excy was Pleased to Communicate by Your Speech at the Opening of this Sessions

U. H. J. Sufficiently Evince the Necessity of Convening us at this Time Altho ill convenient to our Private Affairs but as we shall preferr the Publick good to any Private Intrest of our Own we shall Endeavour with such Unanimity and Diligence to Apply and Exert ourselves to the Dispatch of the Business now before us As may Render Ourselves Equally Acceptable to Your Excy & our Country.

Wee are thankfull for their Lordships the Lords Guilford & Baltemores Approbation of Our late Proceedings in Asserting the Authority of his Court and ꝑsons of his Ministers And we shall most sincerely Endeavour to meritt the Like Approbation by useing Our utmost Indeavours for the Strengthning and Continuance thereof. Thô we must Acknowledge that we are under some Concern to find the Justice of the Legislature Questioned upon the Private Opinion of some
p. 39 Gent of the Law when we Doubt not but if the Reasons that moved them to the passing of that Act Both as to the Matter and manner of it had been heard by Disinterested ꝑsons their Opinion would rather Inclined their Lordships to have confirmed than Repealed it And we must Declare to your Excy tis Surprizing to find that Gent so Eminent for Learning in the Laws of Great Brittain as those that have assigned their Opinion in that Case should Assert that a Lawyers Contemning the Authority and Affronting the ꝑsons of the Judges he pleads before & Daring a Court of Judicature to ꝓceed ag^{t} Criminalls for whom he Pleads & the Other Reasons assigned in the Preamble of that Law Especially in his persisting in a Continued Course of Misbehaviour were not suff^{t} Causes for the Courts that were so used by him to barr him of his Practice before them and it seems much more Surprizing that the Legislative Body of this Province should be accused by the Opinion of those Gent of being unjust and Arbitrary in their ꝓceedings for making a Law on the Representation of those Magistrates which Only Add Life and Vigour to their Resolutions in that part.

Wee believe your Excy was not Apprized of that Law being past in the Lower House without hearing the Perticular ꝑson it affected nor of their Reason for their so Doing one of Which Among many Others (which we shall begg Leave to Remark
p. 40 hereafter is) That tho we had Good Reason to Believe he had notice of the first Vote that Passt for it yet that he made no Application to be heard till after the Engrost Bill Came from the Uper House Assented to at w^{ch} Time we Adjudged his Proper Application lay to your Excy it seeming unparliamentary to Call in Question a bill Solemnly past by us and another is That the Court before whom he pleaded having Condemned his Behaviour the Judges whereof were the

proper ꝑsons to Censure the Behaviour of their Own Officers U. H. J.
the Admittance of him to a hearing woud have been Calling
in Question the Veracity of those Judges without Cause and
making them Parties or Rather Defendants to his Compl^{t} in
matters whereof the Law made them Judges and where the
facts they Accused him of were notorious.

Wee must Begg Leave on this Occasion to Declare that we
Apprehend the Very Essence of Authority and Governm^{t} to
be indeed so nearly Concerned in this Affair that if there be
the Least Colour of Encouragem^{t} Given to any Lawyer to
deny Subjecting his Demeanour to the Judgm^{t} of the Courts
he pleads in to Contend with them Concerning it And Even
to put the whole Country upon Being Suitors in Great Brit-
tain where It seems the Truth of their Allegations are Called p. 41
in Question & w^{ch} they cannot with Conveniency Appear there
to prove, And when such magistrates Pray the Legislature
here to Assist in the Regulation of such Practices by Punish-
ing those th^{t} are the most notorious Offenders in this sort And
that neither Court nor Country can be Trusted with Judging
of the Demeanour of One such Att^{rny} It must necessaryly be
Concluded (with all humble Submission be it Spoken) th^{t}
such a Constitution Cannot Deserve the Charge of its Sup-
port. But we hope for Bett^{r} things & that we shall not be
denyed the power of Discourageing a ꝑson (who thô he may
be a Barrister at Law yet Only Acts as an Att^{rny} here & who
has been Generally Troublesome to the whole ꝑvince) by
such like ways & means as Every Inferiour Court has right
to do with any Att^{rny} that misbehaves himself before them.

And we Cann^{t} think the things sufficiently Discountenanced
if the ꝑson that has been so remarkable an Instance as that
Law mentions shall be able to Justify his ill Conduct in dis-
pight of the Governm^{t} & Country.

Wee shall therefore in pursuance of their Lordships recom-
mendation Endeavour (as we think it our undoubted Duty)
to make such ꝑvision by a Gen^{ll} Law to Support the Magis-
trates in the Adm^{rcon} of Justice as may be sufficient for that
End & shall avoid the Imputation of tacking by proposing a
Gen^{ll} Law for the like Support ag^{t} the Perticular offender w^{ch}
may not be lyable to the Exception your Excy is Pleased to
mention.

However Private Gent have been Abused by the Partiall
Clamours of the Papists yet we are well satisfied whoever
gives themselves leave to Inquire into the Truth of their
Allegations and Grounds of their Complaint will Joyne with
us in Asserting the Truth of your Excy Declaration And be
astonished at their Monstrous Superstructure. The Laws of
Great Brittaine deny them even here the liberty they have p. 42
hitherto Injoyed they have abused those Libertys with im-

U. H. J. punity & yet Complain ag^{t} the Justice & lenity of your Excys Adm^{rcon} for no other Cause that we know of But opposing their Advances Towards the prime Offices of Trust in this ꝑvince, we take this to be Indulgence thô they ungratefully Term it ꝑsecution And Begg leave to Joyne with your Excy in Defying them to Shew one single Instance of Severity either from Government or Country And Rejoice to find their L^{pps} are so well apprized of the Truth of the Case as to Judge their ꝑceedings malicious and imprudent.

Wee are glad to find that some who we doubt not are the most Judicious and Considerable of that Party have not Joyned with the Rest in their Indiscreet & Barbarous Treatment of your Excy for Supporting the Established Governm^{t} and could wish the rest would follow their Examples that all who Profess the Christian faith might with Safety to the Governm^{t} be protected by it in their Conscientious Liberties. But we are Indispensably Obliged to act Defensively & watch fully ag^{t} the Incroachments of those that Endeavour to subvert it and pervert the more unthinking of our People And allure them to the Superstition of their Church.

The Noble & Pious Resolutions of our Lord Prop^{ry} give us a lively Prospect that we shall never want the Concurrence of so great an Assertor & Maintainer of our Libertys & as it is Obvious to all unprejudiced ꝑsons how Just and Loyal yo^{r} Excy hath ever Been to his sacred Majesty and his Succession how Studious to Promote the Protestant Establishment And
p. 43 the Hon^{r} and Intrest of the Lord Prop^{ry}, so with the Greatest Truth we may boldly assert the interest and Welfare of this Province Yo^{r} Excy hath had much at heart for which our most Gratefull thanks are Returned with a sincere Desire Long to subside under the Conduct of so unbiassed a Ruler.

Wee Intirely Submitt to your Excys Opinion on the Repealing Act and shall Endeavour to Explain it.

The Laws Relating to Jurrors to the Repairing & making Roads & Bridges & taking of Taxables shall be Carefully Inspected and Maturely Considered and such Amendments proposed as may Answer the Ends of Your Excys kind recommendation

And as to the Law Relating to Squirrells it shall be fully Debated and Considered

Wee are so fully Sensible of the Extensive Bounty of the Crown in Appropriating the Duty of 1^{d} ꝑ lb for the Propagating Learning in those Parts where it is but too much wanted that we think ourselves Indispensibly Obliged by the strictest Tyes of Duty to our Sov^{n} & Affection to our Country to use our Endeavours that those good Intentions may be rendered Effectuall and usefull to us And that his Majestys

Charity and Goodness that was Intentionally Extended to U. H. J.
this Province as Well as Virginia may not be wholly Limitted
to that Colony Especially Considering that we have good
reason to Believe the Greatest Part of that Fund Arrises on
the Export of Tob° from Maryland w^ch^ is now solely applyed
to the Colledge in Virginia by the Remote Scituation whereof
And Other Insurmountable Difficulties we have scarce a Pos-
sibility of any manner of Benefitt by that so considerable a p. 44
Fund

We acknowledge the Great Obligations of our Country to
your Excy by recomending to us the Consideration of this so
important an affair w^ch^ has been but too Long Neglected to the
Great Discouragement of Learning Amongst us and shall by
our humble Address to his Majesty sett forth the Truth of
our Case in which we Doubt not but so much Justice will Ap-
pear that it will meet with such favourable Reception and
Result as may be Agreeable to the Continued Course of his
Majestys Justice and Goodness so Eminently observable thrô
the whole Series of his wise and Pious Reign.

Lastly we take leave to Express to your Excy the Grateful
Sense we have how sincerely you have always Acted in
Respect to the Welfare of this ꝑvince And still Continue to
profess how resolute your Intentions are we shall therefore
seriously Consider the sev^ll^ matters Proposed to us this Ses-
sions & make Report thereof from time to time that nothing on
Our part may be Wanting for the Security of the Protestant
Succession the necessary Support of Government the Hon^r^
of the Lord Proprietor and the Maintenance of the Liberties
and Properties of his Lordship's Good People of this ꝑvince

Signed ꝑ order
Mic Jenifer Cl. Lo. House

His Excellency offers to this house that Esq^r^ Brook a mem- p. 45
ber of this Honourable House has not made his Appearance
at the Councill Board since the last Assembly notwithstanding
Severall publick notices given him to appear, nor has he
dureing the sitting of this Sessions sent any Reasonable Ex-
cuse to this Board for his not appearing, being Seven days
since.

And Desires the Opinion of this House

Whereupon Resolved and Ordered that The Hon̄ble
Thomas Brooke Esq^r^ be sent for to Attend Imediately his
Duty in this House as a Member thereof

A copy whereof is made out & Delivered the Sherriffe

The House adjourns till to morrow morning

U. H. J. Wednesday May 20. 1719

The House meet according to Adjournment

Present as yesterday

John Deavours Pet° sent to the lower house by Esq^r Hall who Returns & says he D^d it

M^r Edmond Benson & M^r W^m Turbutt with a Bill for
p. 46 Supplying Defects in a Conveyance of Land from Henry Roberts to John Ford

Passed by the Lower House.

And being Read is Ordered a second Reading and being Read a second Time will Pass & so Endorsed and sent Down by M^r Lowe who Returns & says he D^d it

The House Adjourns till Afternoon

Post Mere^d

The House meet according to Adjournment

Present as before Noon

His Excellency lays before this house his Answer to the Address of the lower house of Assembly Viz.

May 20^th 1719

M^r Speaker.

I Desire you will Acquaint the house that the Honourable mention of the Lord Prop^ry in your Address of Yesterday shall be laid before his Lordship by the first Conveniency which I Doubt not will be Very Acceptable to him

p. 47 The Steady Resolution of your house to maintain the Protestant Religion and Laws of this Governm^t is highly Comendable in them

The favourable Sense your house has of my Administration is truly gratefull And shall Allways Retain an Affectionate Memory of this And your former good Inclinations to me.

Jo: Hart

It is Sent to the lower house by Col Holland Col Young Col Addison & Esq^r Hall Who return & Say they delivered it.

A Bill for Encouragem^t of an Iron Manufacture being Read and Considered by this House will pass and so Endorsed And Sent to the lower house by Col° Holland and Esq^r Hall, who return & say they Delivered it

The House Adjourns till to morrow morning.

U. H. J.

Thursday May 21st 1719

The House meet according to Adjournment
Present Col Holland, Col Young Esqr Hall Col Addison Mr Henry Lowe & Col Ward.

John Rousby Esqr and three others with a Bill for the En- p. 48
couragement of an Iron Manufacture within this Province Endorsed

By the Lo House of Assembly

May the 21st 1719

Read the first and second Times by Especiall Order And the Question being put whether the Bill shall pass as It now Stands or be Amended,

Resolved It be Amended by the Majority of Votes.

Whereupon the same being Amended, is Read with the Amendmts & will pass.

Signed p order Jn° Beard Cl Up Ho.

Sent by Col Addison & Col Ward who return & say they Delivered it

The House Adjourns till Afternoon

Post Meridiem.

The house meet According to Adjournment

Present as before noon

The Petition of John Budd & Robert Gray languishing Pris- oners in Kent County Praying Relief, being Read are Recom- p. 49
ended to the Consideration of the lower House, And Accord- ingly so Endorsed, and sent down by Mr Henry Lowe who returns & says He Dd them.

The House Adjourns till to morrow morn.

Friday May 22d 1719

The House meet According to Adjournment

Present

Col Holland	Col Young
Esqr Hall	Mr Lowe &
Col. Addison	Col. Ward

Mr Richd Colegate & Col James Maxwell bring from the lower House the following Bill Viz.

A Bill to Confirm a Tract of Land therein menconed to the Rector or Minister of St John Parish in Baltemore County

U. H. J. And his Successors forever Endorsed by the lower House of Assembly

May 22d 1719

Read the first & second Times by Especial Order and will pass.

Signed p Order Mic Jenifer Cl. Lo. Ho.

Which being Read in this house is Endorsed as follows

By the Uper house of Assembly

May 22d 1719

p. 50 Read the first and second Times and will Pass with the within Amendments

Signed p Order John Beard Cl. Up. Ho.

Sent to the lower House by John Hall Esqr who returns and says he Dd it

Mr Joseph Hill and John Beale Esqr with an Engrost bill for Supplying Defects in a Conveyance of Land from Henry Roberts to John Ford

Read and Assented to by the lower House

And being Read is Assented to by this house and Col Ward sent to Acquaint the lower House thereof

Mr Joseph Hill & Mr Jno Beale from the Lower House with a Bill for vesting and Setling an Estate of Inheritance in a parcell or Lott of Ground in the City of Annapolis on Robert Johnson Ship Carpenter

Passed by the Lower House

The House Adjourns till Afternoon

Post Merediem

The House meet according to Adjournment

Present as before noon

p. 51 The bill for Confirming part of a Lot of Land lying in the City of Annapolis to Robert Johnson

Read the first and second Times and will pass And so Endorsed and Sent to the Lower House by Col Ward, who Returns and says he Delivered it.

The Petition of Mr John Digges of Prince Georges County Desiring to be heard &c. against a Bill's passing for Relief of

John Beall of Charles County and Richard Beall a minor, being Read U. H. J.

The Question is put whether It shall be Received or not.

Resolved in the Affirmative And that It lye on the Table till the bill is Preferred to this House

The House Adjourns till to morrow morning

Saturday May the 23^{d} 1719

The house meet According to Adjournment

Present

Esq^{r} Brooke	Col Addison
Col Holland	M^{r} Lowe
Esq^{r} Hall	&
Col Young	Col Ward

Col John Mackall and three others with a Bill for Relief of John Beall & Richard Beall a minor p. 52

Also A bill to Confirm to William Gray of Calvert County a small parcel of Land in the said County sold by Robert Brooke to the said Gray &c.

Both Endorsed by the Lower House Read & will pass.

The bill for Relief of John Beale & Richard Beale a Minor being Read It is Referred till Afternoon that M^{r} Diggs may be heard thereon According to his Petition preferred therefore.

The Bill to Confirm Land to William Gray of Calv^{t} County &c. being Read will pass, and so Endorsed And sent to the lower house by Col. Holland who Returns and says He Delivered it.

The Question being put whether the House shall be Adjourned till Monday one of the Clock or not, Resolved in the Affirmative

And the house is accordingly so Prorogued

Monday May the 25th 1719 p. 53

The house meet According to Adjournm^{t}

Present

Tho^{s} Brooke Esq^{r}	Thomas Addison Esq^{r}
John Hall Esq^{r}	and
Samuel Young Esq^{r}	Henry Lowe Esq^{r}

U. H. J. Mr St. Liedger Codd & Colo Walter Smith from the lower house with the following Message Viz.

By the Lower House of Assembly

May the 25th 1719

May It Please your Honrs.

We find by your Message of the Eighth of August 1716 in Answer to our Message relating to Col Lloyds Allowance as a Councellour whilst He was President and also to our Message of the 7th Aug. 1716, relateing to Mr Rousby's demand on the Revenue of 3d p hhd for Armes &c. That your house then Desired a Referrence of those matters to the next Sessions to which our house then Consented And for these two Sessions past has been Continued on our Journalls on the Reference, But as yet nothing is done therein by your House as we can pceive, We therefore Desire your Honrs further notice thereof

Signed p order Mic Jenifer Cl. Lo. House

p. 54 Mr Rousby and three others from the Lower House with a bill Explaining the Repealing Law Passed by that House

And being Read the first Time Ordered a second Reading to morrow

The House Adjourns till to morrow morning

Tuesday May 26th 1719

The House meet according to Adjournment

Present

Thos Brooke Esqr	Richard Tilghman Esqr
John Hall Esqr	Phil Lloyd Esqr
Saml Young Esqr	Henry Lowe Esqr
Thos Addison Esqr	Matt Tilghman Ward Esqr

Mr Joseph Hill and Mr James Earle with a Bill for Relief of John Clements

Passed by the Lower House

Mr John Rider and Mr Roger Woolford two of the Commissioners of the peace for Dorchester County on behalf of themselves And the Rest of the Inhabitants of that County preferr to this honourable House their petition Desiring to be heard against the Passing of the Bill for Relief of John Clements

Whereupon Ordered they be heard Accordingly

The Bill Explaining the Repealing Act being Read the second time is Endorsed as foll[s] U. H. J. p. 55

By the Uper House of Assembly

May 26[th] 1719

Read the first & second Times and will Pass with the foll[o] Amendment (which were made before the abovementioned Repealing Act)

Signed p order John Beard Cl Up Ho.

Sent to the Lower House by Col Young who returns and Says he Delivered it

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as before noon

Col John Mackall & three others from the lower house with the foll[o] Message

By the Lower House of Assembly

May 26[th] 1719

May it Please yo[r] Hon[rs]

This house Desires that some of the members of your house may be Joyned with some of the members of this House to Draw up the Addresses proposed in his Excellencys Speech And this houses answer.

Signed p order Mic Jenifer Cl. Lo. Ho.

His Excellency lays before this House a Message Sent him by the lower House in Answer to a Letter Sent by his Excellency to M[r] Speaker as foll p. 56

By the Lower House of Assembly

May 26[th] 1719

May It Please yo[r] Excy

M[r] Speaker having Comunicated to this House your Excellency's Letter Intimating your Concluding a Peace with the Tuskarora Indians,

This House Returns your Excellcy their Hearty thanks for the great Care you have hitherto taken in Cultivating and Preserving a good friendship with the bordering Indians, And also for makeing the present peace with the Tuskarora's And

U. H. J. Desire your Excellency will be pleased to make them such a present as Your Excellency shall think proper which we are of Opinion need not Exceed Ten pounds Curr^{t} mony

Signed p order Mic Jenifer Cl Lo Ho.

Col John Mackall & M^{r} Roger Woollford with a bill for the better Supporting the Magistrates in the Administration of Justice within this Province

Passed by the Lower House

And being Read in this House, Resolved it lye on the Table for a Second Reading

p. 57 M^{r} Henry Peregrine Jowles & Lambert Wilmer from the lower house with the foll^{o} Engrost bills viz.

A Bill to Confirm the Glebe Land of St. Johns Parish in Baltemore County

A bill for Encouragem^{t} of an Iron Manufacture within this Province

A Bill to Confirm part of a Lott to Rob^{t} Johnson &

A Bill to confirm Lands to William Gray &c.

All Read and Assented to by that house And being Read are Assented to by this house And John Hall Esq^{r} sent to acquaint the Lower House thereof.

The following Message being Prepared is sent to the lower house Viz.

By the Uper House of Assembly

May 26th 1719

Gent.

In answer to your Message by Col John Mackall and three others, This house has Appointed Phil Lloyd Esq^{r} & Col Rich^{d} Tilghman to Joyn some of the members of your house and Desire they will meet as a Comittee in the Conference Chamber in the new building to-morrow morning at Eight of the Clock on that Occasion

Signed p order John Beard Cl Up. Ho.

Sent by the Gent Appointed of the Comittee.

p. 58 M^{r} John Diggs prefers to this Hon̄ble house a Petition seting forth that forasmuch as he is Destitute of an Attorny to serve him in the Case ag^{t} John Beale & Richard Beale, Tho^{s} Bordley Esq^{r} & M^{r} Daniel Dulany being both Retained by the said John Beale he Prays that Either the passing that bill may be Deferred till the next Sessions or that One of those Gentlemen may be Assigned as Councill for him

Whereupon the Question is put whether One of them shall be assigned or not

Resolved in the Affirmative

Thereupon the Question is put which of them shall be Assigned U. H. J.

Resolved That Mr Daniel Dulany be of Councill for the said John Diggs, And that the hearing be on Friday next.

Mr John Rousby & Col° John Mackall with a bill for Disabling Thomas Macnemara Esqr to practice the Law within this Province Endorsed

By the Lower House of Assembly
May 26th 1719

Read the first Time & the Question being put whether It shall be Read again now by Especial order or Referred till to morrow p. 59

Resolved It be Read again now. Thereupon the same is Read again, And the Question being put whether the Same shall Pass or not, Resolved in the Affirmative by Majority of votes, And this Bill will Pass.

Signed p Order Mic Jenifer Cl Lo Ho.

Whereupon the bill is Read in this house the first Time, And Ordered a Second Reading to morrow morning.

The House Adjourns till to morrow

Wednesday May 27th 1719

The House meet according to Adjournmt

Present

Thomas Brook Esqr	Col° Addison
Saml Young Esqr	Mr Henry Lowe
Jn° Hall Esqr	Col Ward

Mr James Stoddert & two others from the lower house with the following Message

By the Lower House of Assembly
May 27th 1719

May It Please Your Honours

This House has appointed James Stoddert & John Beale Esqr Mr Philip Lee Mr James Lloyd & Capt. Frisby to Join the members Appointed by your house for Drawing up the Addresses who are Ready to Attend p. 60

Signed p Order Mic Jenifer Cl. [Lo.] Ho.

The House Adjourns till Afternoon

U. H. J.

Post Meridiem

The House meet according to Adjournment

Present as before noon

The bill for the better Supporting the Magistrates in the Execution of their Office in the Administration of Justice within this Province being Read the second Time the following message is Prepared Viz.

By the uper house of Assembly

May the 27th 1719

Gent.

On the second Reading the bill for the better Supporting the Magistrates in the Admrn of Justice within this Province this house Proposes the following Amendments to be made at the severall Marks therein Viz.

1st Ministerial Officers or other ꝑsons

2 Suspending such Practitioners of the Law from their Practice Perpetually or for a time or to punish such Practitioners or Ministerial Officers or other ꝑsons.

p. 61 3. Not Exceeding four thousand Pounds of Tobacco in the Superior Courts nor two Thousand Pounds of Tobacco in the Several County Courts within this Province on Each Offender for any One offence.

With which if your house Concurs this Bill will pass

Signed ꝑ Order John Beard Cl Up. Ho.

Sent with the bill by Esqr Hall who returns & says he Delivered it

The House Adjourns till to morrow morning

Thursday May 28th 1719

The House meet According to Adjournment

Present as yesterday

His Excellency being Indisposed so that he cannot give his Attendance in this house sends to this house My Lord Guilfords Letter to him, Relateing to Mr Humphrys Inclosed in his Excellcys to this house viz.

May the 28th 1719

Gentlemen of the Upper & Lower Houses of Assembly

The Circumstance of my Health not ꝑmitting me to give

p. 62 my Attendance in the uper house as my Duty & Inclinations is

to do, I am Obliged in this manner to signify to you, That it U. H. J.
is their Lordships Pleasure & Request A bill may be brought in to Qualify M^r^ Humphrys (a particular friend to their Lordships) to hold any Office or Imploym^t^ notwithstanding he has not Resided in this Province three years.

Now the same favour having been shewn the late M^r^ Steel, I hope this will not meet with any Difficultys neither from the uper nor lower houses.

I herewith send you the Letter my Lord Guilford has honoured me with in favour of M^r^ Humphrys, wherein his Lordship is pleased to Express himself in a manner so much to his Advantage that I Doubt not It will be very Prevailing with both houses for the Ready Passing the bill Desired

Jo: Hart

My Lord Guilfords Letter to his Excellency

S^r^ Although M^r^ Lowe has writ to you a great deal of my mind Concerning M^r^ Humphrys Yet I won't omitt this opportunity to Recommend him my self, he is a Gentl for whom I have a great Kindness, nay I may say Friendship, And the better to shew it I have given him my Advice to pay you all the Respect that is due to One upon whose Favour he is In- p. 63
tirely to Depend. I have Directed him particularly not only to Avoid the measures but even the Conversation of those who Oppose you, And don't at all Doubt but that a man of so good an Understanding as he is master of will Pursue his True Interest, which is to please you and me at the same time. I have been very much Importuned to Recomend M^r^ George Read to you, who is Comeing to Maryland, which I do not for any particular thing, but as his future behaviour shall be.

I am yo^r^ most humble Serv^t^

London Dec^r^ 11^th^ 1718 Guilford

To John Hart Esq^r^ Lieut^t^ Gov^r^ of Maryland

The House Adjourns till Afternoon.

Post Merediem

The house meet according to Adjournment

Present as before noon

M^r^ Robert Tyler and M^r^ James Frisby with a Supplementary Bill to the Act for Appointm^t^ of Constables &c.

Passed by the Lower House

The House Adjourns till to morrow morning

U. H. J. p. 64

Friday May 29th 1719

The House meet according to Adjournment

Present as yesterday

Mr Joseph Hill and three others with the foll° Bills, viz.

A Bill to Prevent the Cutting off Entails within this Province.

A Bill Reviving the Act for Regulating the Militia

A Supplementary Bill to the Act abt Jurors

All Passed by the Lower House.

The bill for Reviving the Act for Regulating the Militia, And the Supplementary bill to the Act about Jurors being Read will Pass And so Endorsed, And sent down by Mr Lowe who Returns & says he Delivered it.

The Supplementary Bill to the Act abt Constables &c being Read the following Message is prepared Viz.

By the uper house of Assembly

May 29th 1719

Gent.

On Reading the Supplementary Bill to the Act for appoint-
p. 65 ment of Constables &c. This house proposes the following Amendments Viz.

And the better to Enable the Sherriffs of the severall Counties to Return Copys of the lists of Taxables in Each County as afd the Severall Constables of the Several and Respective hundreds in the Several Counties are hereby required to send a Copy of their lists of Taxables to the Sheriffe of their County at or before the first day of August after the takeing of such list.

And whereas It is found by Experience That there are many single Persons who are Freemen within this Province who have not any Setled place of Residence but make their Abode at such places where they are Employed, And such Imployers Refuse to give them in as taxables they not being Constant Residents in their Familys by which means they Frequently Escape paying any Tax at all,

Be It Enacted by the Authority Advice and Consent afd That it shall and may be lawfull for any Constable of any hundred in any of the Counties within this Province upon finding any such Single Person or Freeman in their Respective hundreds who Cannot procure some housekeeper within such hundred to give him in as a Taxable nor make appear that he
p. 66 is a Resident or taken as a Taxable in some other hundred or County to Carry such Person or Freeman before the next Justice of the Peace for such County who is hereby Impowered

and Required to committ such Person or Freeman into the Sherriff's Custody untill he shall procure some Housekeeper to Return him as a Taxable And be Answerable for his Levy. U. H. J.

With which if your house Concurrs the Bill will Pass

Signed p order John Beard Cl. Up Ho.

Sent with the bill by Esq^{r} Hall Who returns and Says he Delivered it

The House Adjourns till Afternoon

Post Merediem

The House meet according to Adjournment

Present as before noon

The following Message is prepared by this house

By the uper house of Assembly

May 29th 1719

Gent.

In answer to Your message of the Twenty fifth Instant by M^{r} Codd and M^{r} Smith, his Excellency having Declared to this House that Col Lloyd shewed him a letter directed to the s^{d} Col Lloyd from Capt John Hyde wherein was Inclosed the Opinion of the Lords Comissioners of Trade, whereby they sett forth that the several Sums allowd him by the Publick for his Attendance as a Councellor dureing the Time of his Presidency was his Right, p. 67

And for that the said Col Lloyd is now dead we think it Reasonable his widow have time till the next Session to Produce that Opinion or make such other Defence she shall think fitt, Unless this is thought a sufficient Satisfaction.

And as to that part of Your Message relateing to M^{r} Rousby, This House is of the Opinion that so much of the mony ariseing by that Duty as has been stopped for the Receivers Sallary, was Misapplyed but that there was no other fund to allow it out of, Except such as was also Appropriated,

And M^{r} Rousby having laid before us his Accounts of that Duty, Proved before the Governour and Councill wherein he had Allowance of his Sallary, We take it he is Sufficiently Discharged by the Law.

His Excellency is pleased to Observe to this House that on his Arrivall in this Country he found that his Predecessors in the Government had always Allowed two Receivers Generall p. 68

U. H. J. for the Crowne Each the Sallary of One Hundred pounds p Annum. And that some time after his Excy taking it to be a hardship upon the Country to pay so much mony to two Receivers when one was suff^t to Doe the Business, On this observation John Dausey Esq^r was Discharged & John Rousby Esq^r Continued in the former manner with the af^d Sallary. But when his Excy on further Examination found that M^r Rousby had no Other Com° as a Receiver than what was formerly Granted to M^r Plater, his Predecessor in that office, He then Advised that M^r Rousbys Office of Receiver should be no Longer Continued And that hisExcy allowed of the af^d Sallary for some time from the Example of his Predecessors in the Goverm^t as a thing in Course.

Signed p Ord^r John Beard Cl Up Ho.

Sent p Esq^r Hall who Returns & says he D^d it

Col William Holland one of the members of this Board by L^re to Sam^l Young Esq^r dated 28^th May Instant Desires he may be Excused from giving his Attendance in this House, being taken with a severe fitt of the Gout, which is thought a Suff^t Reason

Calvert Papers (720) p. 68 Cap^t Fendall & M^r George Dent bring from the Lower House the following Engrossed Bills Viz.

A Bill for the better Supporting the Magistrates in the Adm^rcon of Justice

A Bill Explaining the Repealing Law.

Both Read & Assented to by that House. And being Read are Assented to by this House, & Col Young sent to Acq^t the Lower House thereof.

Thomas Bordley Esq^r & M^r Dan^l Dulany being of Councill for John Beale of Charles County on Obtaining an Act for the said Beales Relief relating to some Lands wherein M^r John Digges is Concerned and the said M^r Diggs lying under the Inconveniency of not being able to Gett any pson qualified by Law whom He thinks Capable to serve him in this Affair,

It is proposed by Tho^s Bordley Esq^r, M^r Dullany having shewn sufficient excuse for not serving M^r Diggs according to an Order of this House that M^r Diggs Consult with whom he sees Convenient & Draw his Reasons to the Bill in Writing and file them under his Own Hand in this House, And that M^r Beale's Answers to them may be filed in writing Likewise

Which is thought very ffair & Reasonable by this House,

p. 69 And It is thereupon Ordered that the said M^r Diggs file his said Reasons by Ten of the Clock to morrow.

The House Adjourns till to morrow morning

Saturday May 30th 1719 U. H. J.

The House meett According to Adjournment

Present as yesterday

The following Message is Prepared Viz.

By the uper House of Assembly

May 30th 1719

Gentl.

Wee herewith send you what his Excy has been pleased to lay before us in Relation to Mr Humphrys & shall Concurr with Your House in what you think Proper to do in his favour.

Signed p Ordr John Beard Cl Up House

Sent p Col Addison who Returns and Says he Dd it.

Majr Roger Woolford & Mr Walter Smith with an Act Reviving an Act of Assembly of this pvince Entituled an Act for the Encouragement of Tillage & Reliefe of poor Debtrs. p. 70

An Act for the Application of such Intestates Estates as Leave no Legall Representatives, & for Enforcing Proceedings agt Temerary Admrs.

Passed by that House

John Hall Esqrs Petition relating to a Decree of the Land Comissioners for Baltemore County being Read & the facts being Examined into by this House the following Endorsment is Ordered to be made on the Petition Viz.

By the uper House of Assembly.

May 30th 1719

On reading the within Petition and on Examination had into the truth of the Allegations Sett forth therein, This House is of Opinion that the Petr is aggrieved by the Decree of the Comrs And that he ought to be Relieved therefrom.

Signed p Ordr John Beard Cl Up Ho.

Sent to the Lower House by John Hall Esqr who Returns & Says he Delivered it.

Esqr Rousby & James Smith from the Lower house with a Bill for the Relief of several poor Prisoners

Passed by that House.

On Reading the Bill Reviving an Act for the Encouragement of Tilage & Relief of Poor Debtrs p. 71

Ordered that the following Endorsemt be made

U. H. J. By the uper House of Assembly

May 30th 1719

Read & will pass with a Clause to be Added, Oblidging the Debtor or ꝑson Taking Advantage of that Law to Declare upon Oath before one of his Ldship's Justices of the Provll Court or two of the County Court that he hath not nor had at the Time of his being Taken in Execution the Particular Specie for which He was ꝑsecuted and then under Execution, or any part thereof more than what he will pay to his Creditor if he think fitt to Accept of it And that if any Such ꝑson so Taking Advantage of that Act and Purging himself upon Oath as afd shall be Convict of forswearing himself on that Occasion, he shall be Adjudged Perjured & shall undergo the like Pains & Penaltys as any ꝑson Convict of willfull & Corrupt Perjury.

Signed ꝑ Order John Beard Cl Up House

Sent ꝑ Coll Young who Returns & Says he Dd it

Major Thomas Emerson & John Beale Esqr with the following message

p. 72 By the Lower House of Assembly

May 30th 1719

May It Please yor Honours

Original p. 73 Wee have Considered Your Message by Col Addison of this Day And also the Right Hon̄ble the Lord Guilfords And his Excy the Govr Recommendation of a Law to be past in favour of Mr Humphreys & shall always be Glad of an Opportunity of Oblidging Either of them in the Service of their Friends where it may be Done without Runing Counter to the Laws of the Country that have hitherto been well approved.

But we find the Only Intention for the Act for the Advancement of natives & Residents of this Province was to Prevent those from Offices that had Interest Enough to get them, for those that have none needed not to have been Provided against by a Law & if those that have Interest Enough to gett Offices may as Easily Obtain a Dispensation in Vain was it made nor do we find there ever has been above One such Instance thro the Course of any One Govrs Adminrcon which has already been given in favour of Mr Steele.

Wee therefore hope his Lordship & his Excellency will not take it amiss that we adhere Strictly to the Law as it now Stands. And having as we Conceive more of the youth of the Country now Qualified for Offices than formerly and a fair Prospect of their Increase by the Care that is taken to

Propagate Learning we are of Opinion that whilst that Law is Adjudged so usefull & necessary for the ꝑvince it Ought not to be Dispensed with & therefore Cannot agree to the Proposall U. H. J.

Signed ꝑ order Mic. Jenifer Cl. Lo. House

On a hearing Between John Clements on behalf of an Act passed the Lower House in his favour & Capt. John Rider & Majr Roger Woolford on behalf of themselves & the Rest of the Inhabitants of Dorchester County. p. 74

It is the Opinion of this House that Mr Clements has not made Appear that he has a Right to the Lott of Land in Dispute But the said Clements alledging his Evidences are Sick that Can prove his Right Particularly Jno McKirk it is thought Convenient by this House that the Consideration thereof be referred till next Session

And the Bill so Endorsed & sent to the Lower House ꝑ Mr Lowe who Returns & says he Delivered it

The House Adjourns till Afternoon

Post Merediem

The House meett According to Adjournment

Present as before noon

Mr John Diggs files his Exceptions to the Bill for the Reliefe of John Beale & Richard Beale in writing which is Recd 'tho the Time be Elapsed for the fileing it.

And Ordered that Mr John Beale file his Answer thereto by five a Clock p. 75

On Reading the Bill for Cutting of Entailes the following message is Prepared Viz.

By the uper House of Assembly

May 30th 1719

Gentl. It is the Opinion of this House That the Laws of Great Brittaine have made a Suffᵗ ꝑvision already for what this Act seems to ꝑvide agᵗ

Signed ꝑ Order John Beard Cl Up House

Sent ꝑ Col Ward who Returns & Says he Dd it

Mr Robert Tyler and Mr John Brannock from the Lower House with the three following Engrost bills viz.

A Supplementary Bill to the Act for appointment of Constables and what Relates to their Office &c.

U. H. J. A bill Reviving An Act for Ordering and Regulating the Militia &c.

A Supplementary bill to the Act for Causing Grand and petit Jurors & Wittnesses to Come to the Prov[l] & County Courts & Ascertaining their Allowances.

All Read and Assented to by that House

p. 76 On Reading the Engrost bill for Causing Grand & Petit Jurors to Attend &c.

His Excellency Recommends to this House that the bill Engrost Relateing to Jurors does not Answer the End he Designed at the first laying it before them. For first It does not appear to his Excellency that there is a sufficient Penalty on the Sheriffs for the due Return of Jurors Especially to the Provinciall Court

2[d] That the Law makes no Provision for Punishing such as Attempt to Corrupt Jurys or Tamper with them

3[d] That too many ꝑsons are Excepted by the Law from being Jurymen

And Desires this House will lay it before the Lower House (His Excellency being Sick at the Time of the passing the bill in this House).

Thereupon the following Message is Prepared Viz.

By the uper House of Assembly

May 30[th] 1719

Gent. His Excellency being Indisposed at the time that the Supplementary Bill to the Act for Causing Grand and Petit

p. 77 Jurors & Witnesses to come to the Provinciall and County Courts And Ascertaining their Allowances was Passed by this house And not seeing it till Engrossed Recommended it to our ffurther Consideration, The bill as it now is, not Answering his Designe in first Proposing the Amendment of it for the following Reasons:

First it Appears that there is not a sufficient Penalty on the Sherriffs for the due Return of Juries Especially to the Provinciall Court.

2[d] That there is no Provision for Punishing such as shall Attempt to Corrupt Juries or Tamper w[th] them

3[d] Too many ꝑsons are Excepted by the Law from being Jurymen

We Concurring with his Excellencys Opinion in the Amendments, Referr it to the Consideration of your House.

Signed ꝑ Order John Beard Cl Up Ho.

Sent by Tho[s] Brooke Esq[r] who Returns & Says he D[d] it.

M[r] Robert Tyler and Six others from the Lower House with the bill for Cutting of Entailes & the following Message.

By the Lower House of Assembly U. H. J.

May 30th 1719

May It Please yo^r Hon^rs

On Reading your Endorsement on the Bill to Prevent the Cutting of Entailes this House are of Opinion that the Laws of Great Brittaine do not so suff^tly ꝓvide against that Evill as the non obstante against Recoveries in that Bill Doth Where- p. 78
fore tis Desired that that Bill might Pass.

Signed ꝓ Order Mic Jenifer Cl Lo Ho.

Whereupon Ordered that the Bill lye on the Table till Monday

A Bill for the Application of such Intestate Estates as Leave no Legal Representatives And for Enforcing Proceedings against Temerary Adm^rs.

Read the first Time & ordered It Lye on the Table till Monday

The House Adjourns till Monday.

Monday June the 1st 1719

The House meett According to Adjournm^t

Present

Esq^r Brooke	Phil Lloyd Esq^r
Col. Young	Col Rich^d Tilghman
Esq^r Hall	and
Col Addison	Col Ward

M^r Rousby & Col Hynson with the Supplementary Bill to the Act about Jurrors Engrost & the following Message.

By the Lower House of Assembly

June 1st 1719

May It Please yo^r Hon^rs

In answer to your Message by Esq^r Brooke of Saturday p. 79
Last this House are of Opinion that the Act for Causing Grand & Petit Jurors and Witnesses to come to the Prov^ll & County Courts &c. lays such a Penalty upon the Sherriffs to Oblige them to Return the Best and most understanding Freeholders in their County to Serve for Jurrors as we Dont find One Instance where the Sherr^s have Been fined for Default therein that the Statutes of England Sufficiently ꝓvide against Maintainance & Embracery Besides the Penalty in that Bill. That only Magistrates Delegates Coroners Schoolmasters

U. H. J. overseers of high ways and Constables Dureing their Continuance in their Respective Stations or Businesses are Exempt from Attendance as Jurrors by that Act

Wherefore this House Humbly Desires that Bill may be Assented to as it now Stands

Signed p Order Mic Jenifer Cl: Lo: House

The Bill Disabling Thomas Macnemara Esq^{r} to Practice the Law within this Province being Read the following Message is Prepared

By the Uper House of Assembly

Gentl. June the 1st 1719.

On Reading the Bill for Disabling Thomas Macnemara Esq^{r} to Practice the Law within this Province the following Amendments are Proposed Viz.

1st Which his Excy thought himself Indispensibly Obliged to do by his Majesties Royall Instruction relating to the
p. 80 Offices of the Customs within this Province.

2^{d} As by the said Severall Indictments annexed may more at Large Appear

The Indictments Mentioned (the Copy of which are to be Annexed) are herewith sent you for your pusal with w^{ch} if Your House Concurrs the Bill will Pass

Signed p Order John Beard Cl Up Ho.

And the Question being Put whether it shall Pass with the Amendments or not Resolved nemine Contradicente it Pass.

Sent by Col Young & Esq^{r} Hall who Return & Say they Delivered it.

Col Hynson & Eleven Others with a Bill for Limitation of Officers Fees Passed by the Lower House.

The House Adjourns till Afternoon

Post Merediem

The House meett According To Adjournment

Present as before noon

p. 81 An Act Reviving an Act for the Encouragement of Tillage & Relief of Poor Debtors being Brought from the Lower House Endorsed that the Law does not need the Amendment Proposed And being Read in this House is Endorsed that it will not Pass without the Amendm^{ts} And Sent Down by Col Addison who Returns & Says he Delivered it

The following Message is Prepared viz. U. H. J.

By the uper House of Assembly

June 1st 1719

Gentl. On Reading the Message of this Day with the Act Relating to Grand & Petit Jurrors &c. by Mr Rousby & Col Hynson we find that your House on an Examination in the Secy Office might have seen Instances of Sherrs being fined for not Returning Sufft Jurrors Particularly at a ꝑvinciall Court held the 10th day of Sepr 1717 Abel Vanburkelow high Sherr. of Cecill County John Stokes high Sherr of Baltemore County & Nathanll Wright high Sherr of Queen Anns County were fined 500# of Tobo Each for their Defect in that Particular as Appears by the Record of that Court ꝑceedings wherefore we Desire your Honrs will take into yor further Consideration our Message of Saturday Last by Esqr Brooke

Signed ꝑ Order John Beard Cl Up House

Sent by Esqr Lloyd who Returns & Says he Delivered [it]. p. 82

On Reading the Bill to Prevent the Cutting of Entails the following Endorsement is made thereon

By the ůper House of Assembly

June 1st 1719

Gentl. This House is still of Opinion that the Law of Great Brittain having so farr ꝑvided agt the Cutting of Entailled Lands as with Justice and Reason will Consist and therefore this bill will not Pass

Signed ꝑ Order John Beard Cl Up Ho.

Sent ꝑ Col Tilghman who Returns & says he Delivered it

The bill for Limitation of Officers Fees being read the following Message is prepared

By the uper House of Assembly June the 1st 1719

On reading the bill for the Limitation of Officers ffees his Excy is Pleased to Observe that my Lord Baltemore Designs to Come to his Government here And his Excy not having any Particular Instruction from his Lordship relating to such an Act which makes so Vast an Alteration in the sevll Great Offices of this Province Desires that nothing may be Done therein But that the Act as It now stands may be Revived till the 29th of Septr 1720 his Ldship then Being of Age To which this house Agrees p. 83

Signed ꝑ Order John Beard Cl Up Ho.

U. H. J. Sent by Esq[r] Brooke & 5 Others who return & say they Delivered it

M[r] Roger Woolford & Col James Philips with an Engrost Bill Reviving an Act for the Encouragement of Tillage & Relief of Poor Debtors. Assented to by the Lower House. And Being Read is Assented to by this & Col Ward sent to Acquaint the Lower House thereof.

An Act Reviving An Act for Ordering & Regulating the Militia is Read & Assented to by this house and Col. Ward sent to Acquaint the Lower House thereof.

M[r] Lee & 15 Others with the following Message

By the Lower House of Assembly

June the 1[st] 1719

May It Please yo[r] Hon[rs]

In answer to your Message by Esq[r] Brooke & 5 Other Members of your House we are Sorry that his Excy has not Instructions to Enable him to concurr with us in the Regulation of officers Fees According to the Bill Prepared by us for that Purpose we finding that the Officers Fees as setled
p. 84 by the late Act are so Great an Oppression to the Inhabitants of this ꝑvince that we rather Incline to be without a Law for that Purpose till the Arrivall of the Lord Prōpry than any Longer to Groan under such hardships Therefore referr it to Your Hon[rs] Consideration to Concurr with us in the Bringing in the Bill by us Proposed

Signed ꝑ Order Mic Jenifer [Cl Lo: Ho]

Peremptory Rule for hearing the Dispute between M[r] Beale & M[r] Diggs to morrow morning.

The House Adjourns till to morrow morning

Tuesday June the 2[d] 1719

The House Meet according to Adjournment

Present as Yesterday

M[r] John Caldwell & three Others with an Engrost Supplementary bill to the Act about Jurrors. And the following Message

By the Lower House of Assembly

June the 2[d] 1719

May It Please yo[r] Hon[rs]

Wee find that the Instances given by your Hon[rs] Message
p. 85 of yesterday by Philemon Lloyd Esq[r] on the Engrost bill

relating to Jurrors Suff^ly^ Evince the Efficacy of the Provision U. H. J.
Already made for the Return of Jurrors for that Altho the Law Directs that the Sherriffs shall be fined one Thousand pounds of Tob^o^ for their Defaults therein yet the Provinciall Justices in the Instances Given found one half that sum a Sufficient penalty & fined those Sherriffs no more thô It Ought to have been by Law One Thousand pounds of Tob^o^ And therefore pray that Since the Paper Bill has passed your House the Engrost bill may be now Assented to as Proposed Especially since the use of it in some Particulars seems to be Allowed of by your House

Signed p Order Mic. Jenifer Cl. Lo. Ho.

Which being Read is Assented to by this House & Col Young Sent to Acquaint the Lower House thereof

On A second Reading the Bill for the Application of such Intestates Estates as leave no Legall Representatives &c the following Message is Prepared.

By the uper House of Assembly

June 2^d^ 1719

Gentl. On reading & Considering the Bill for the Application of such Intestates Estates as leave no Legal Representatives We find that the Paragraph therein which makes a Provision for Widows Excludes all Relations after Bro^rs^ and Sisters Children from Inheriting any Part of the Intestates p. 86
Estate which we think unreasonable & Contrary To the Act of Assembly Provided for the Better Adm^rcon^ of Justice in Testamentary Affairs. It is therefore thought necessary that that Paragraph in this Act should be made agreeable to that Act which is Agreeable to the Laws of England with which Amendments it will Pass

Signed p Order John Beard Cl Up House

Sent p Col Young who Returns & Says He Delivered it.

M^r^ John Beale & M^r^ W^m^ Dare with a Bill for the Application of such Intestates Estates as leave no legall Representatives &c. And the foll Message

By the Lower House of Assembly

June 2^d^ 1719

May It Please Your Hon^rs^

Wee having Considered the Act of Assembly and the Statute of Charles the second for distribution and find thereby no Collaterals are Admitted after Brothers and Sisters Chil-

U. H. J. dren Consequently the widow having Right to the Administration of Intestates Estates no relation of a more Remote Degree can be qualified to Call the Residue out of her Hands by those Laws.

We therefore Conceive the Bill as Proposed by this house
p. 87 is Agreeable to the Laws of Great Brittain & that the Amendments Proposed would be Repugnant thereto

Signed p Order Mic Jenifer Cl: Lo: House

Mr Charles Wright & Two Others with the following message

By the Lower House of Assembly

June 2d 1719

May It Please your Honours

This House Desires that some of the Members of Your House may be Joyned with Mr Philip Lee Mr Charles Wright Mr Edmond Benson & Capt Richd Colegate in a Comittee this Afternoon to Inspect the Public Records that the Sevll Officers may give Security according to the Directions of the Act for Repairing the Records &c. on the Report that shall be made from that Comittee

Signed p Order Mic Jenifer Cl Lo Ho.

The House Adjourns till two of the Clock in the Afternoon

Post Meridiem

The House meett According to Adjournment.

Present as before noon

p. 88 By the uper House of Assembly

June 2d 1719

Gentl. In answer to Your message in the Forenoon by Mr Charles Wright & Two Others this House has Appointed Col Samll Young & Philemon Lloyd Esqr to Joyn with the members of your House you therein Mentioned in a Comittee to Inspect the Publick Records who will be ready to attend on that Service in the Secretarys Office in the Stadt house to morrow morning seven a Clock

Signed p order John Beard Cl Up Ho.

Sent p Col Young who Returns & says he Dd it

Mr Codd & Mr Parry with a Bill against Buying & Selling of Offices & to Prevent Corruption in Officers Passed by the Lower House

And Being Read in this Ordered to Lye on the Table. U. H. J.
The following message is Prepared Viz.

By the uper House of Assembly

June 2d 1719 Calvert Papers (720) p. 88

Gentl. On reading your message by Mr John Beale & Mr Dare with a Bill for the Application of such Intestates Estates as have no Legall Representatives we Propose the following Amendments to that Bill Viz. Instead of (after Brothers & Sisters Children) the Words (or Others than those Directed by an Act of Assembly of this Province Entituled an Act for the Better Admrcon of Justice in Testamentary Affairs &c) with which this Bill will Pass

Signed p Order John Beard Cl. Up Ho.

Sent with the Bill by Esqr Hall Who returns & says he Delivered it.

Col James Philips & Mr Wm Turbutt with an Engrost Bill for Disabling Thomas Macnemara Esqr to Practice the Law in this Province

Assented to by That House.

And Being read is Assented to by this House And Col Ward sent to acqt the Lower House thereof

The Allegations of John Beale and John Diggs in Relation to a Bill for the Relief of the said John Beale being read & maturely Considered by this House, The Question is put whether that bill shall pass or not p. 89

Resolved by the Majority of Votes that the Bill pass without the Last Clause Enabling Beale to sue for the Cost & Damages.

Thereupon the following Message is Agreed upon to be sent to the Lower House Viz.

By the Uper House of Assembly

June 2d 1719

Gentl

The Bill for Reliefe of John Beale of Charles County being read the first & second Times will pass leaving out the Clause Enabling him to Prosecute for his Costs & Damages

Signed p order John Beard Cl Up House

Sent by Esqr Hall who returns & says he Delivered it

U. H. J. Mr John Parry & Mr Roger Laramore with a Bill for Reliefe of John Beale of Charles County & the foll. message Viz.

By the Lower House of Assembly

June 2d 1719

May It please your Honours:

We have Considered your Message with the Bill for Relief of John Beale & Conceive the Clause to Enable him to Main-
p. 90 tain an Action for his Damages is only to Remove some Doubts that have been Occasioned meerely by his Oppressive & Injurious Treatment and that should he suffer in this part meerely through his want of ability to Maintain his Right when first Disputed, it would be so farr giving his Opponents Advantage of their Own Wrong, as seems not agreeable to the Justice of the Legislature nor the Equity of his Cause. Wee therefore Unanimously Desire your Honrs for Justice sake to Concurr with us in the Passing the Bill as Proposed

Signed p Order Mic Jenifer Cl Lo Ho.

The House Adjourns till to morrow morning

Wednesday June 3d 1719

The House meett According to Adjournmt

Present

Thos Brooke Esqr	Col Richd Tilghman
John Hall Esqr	&
Col Thos Addison	Col Matt. Tilghman Ward

p. 91 The bill for Relief of Sevll poor Prisoners Endorsed as follows.

By the uper house of Assembly June 3d 1719

Read & will Pass with the following Amendmt In that part relating to Christopher Bateman Viz. at × the words (Enjoyned the afd Saml Lyle)

Signed p Order John Beard Cl Up House.

Sent to the Lower House by Col Addison who returns & says he Delivered it.

Mr James Earle & Mr Thomas Waughop with a Supplementary Act to the Act Relating to Servts & Slaves Passed by the Lower house.

Also an Engrost Bill for the Application of such Intestates Estates as have no Legal Representatives

Assented to by that House

And Being Read is Assented to by this & Col Ward Sent to Acquaint the Lower House thereof U. H. J.

The House Adjourns till Afternoon

Post Merediem

The House meett According to Adjournm^{t}

Present as before noon p. 92

The following Message being Prepared is Ordered to be Sent to the Lower House Viz.

By the uper House of Assembly

June 3^{d} 1719

Gentl. By your Message of the first Instant you Insist that we Concurr with you in regulating Officers ffees as Proposed in your Bill we again Acquaint you that It is Our Opinion that the Proper time for that Affair will be when his L^{d}ship is of Age & is ꝑsonally here (as we are Informed he Intends to be) for then we Can Argue the reasonableness of things and whatever is Done will be Lasting. Whereas if any thing be done now it will be Liable to the Exceptions of Interested ꝑsons & so our Labours become fruitless, besides we have no reason to hope that his Excy Can Allow of anything that may be [done] at this time from the reasons he gives in Our Message of the first Instant. Original p. 93

Gentl, tho we are of Opinion with you that some Offices are Grievously Burthensome And want a Regulation yet we think it Improper to Eenter upon it at this time for the Reasons abovesaid & therefore Recomend it to Your Serious Consideration to Bring in a Bill to Continue the Act relating to Officers Fees for so short a time rather than by Letting it Drop Involve the Country in Difficultys the Consequence Whereof we are not able to Determine

Signed ꝑ Order John Beard Cl uper House

Sent ꝑ Col Tilghman who returns and says he Delivered it.

A Supplement to the Act Relating to Servants & Slaves being read the first & Second times by Especial Order and will pass & so Endorsed and sent to the Lower House by Col Ward who Returns & says he Delivered it.

M^{r} George Dashiell & Thomas Clark with a Bill for secureing the Peace of this ꝑvince against the Villianys of imported Convicts

Passed by that House

U. H. J. p. 94 Mr Robert Tyler & Mr Charles Wright with a Bill for the Limitation of officers ffees and the following Message Viz.

By the Lower House of Assembly

June 3d 1719

May it Please your Honours

This House having fully Debated your Message on the Bill for Limitation of Officers Fees by Colo Tilghman of this day are Resolved to Adhere to their former Opinion not to Revive the old Act for Limitation of Officers Fees & therefore again Desire your Concurrence with us in Passing this

Signed p order Mic Jenifer Cl Lo Ho.

Whereupon his Excellency Directs John Beard who serves his Excy as Clerk in Affixing his Lordships Great Seale of this Province not to Affix the said Great Seale to any thing whatsoever whether Publick or Private without the Fee for the same as Allowed by the former Act for Limitation of Officers Fees, being first paid in mony at the Current price for which Tobacco shall be sold at the Time of affixing the said Seale

The Act for securing the peace of this Province against the Villianys of Imported Convicts being Read in this House will Pass with this Amendmt

That a Clause be Added that it shall not take place till Twelve Months from the End of this Sessions And so En-
p. 95 dorsed, And sent down by Esqr Hall who returns & Says he Delivered it.

The bill Against buying and Selling of Offices &c. being Read the first & Second Times, the following Message is Prepared.

By the uper House of Assembly

June 3d 1719

Gent. On reading the bill against buying and Selling of Offices & to Prevent Corruptions in Officers this House Proposes the following Amendment Viz. (to the Prejudice of his Lordships Secretarys in Great Britain or their Deputy for the time being Residing here, or any other Superior Officer who has his Comission Imediately from his said Lordship or) with which if your house Concurrs the bill will Pass

Signed p Order John Beard Cl Up Ho.

Sent by Col. Addison who Returns & says he Delivered it. Mr St. Leidger Codd & Mr Clark with an Act for Secure-

ing the Peace of this Province Against the Villainies of Im- U. H. J.
ported Convicts, And the following Message Viz.

By the Lower House of Assembly.

June 3[d] 1719.

May It Please yo[r] Hon[rs]

We Conceive that there is no Necessity for Allowing Twelve months for this Act to take place It no ways Relateing to Trade but is merely for Preserving the Peace of the Prov- p. 96
ince which will be so much Endangered by such Convicts That if the Peace be not more Early secured against them we doubt many of the honest Inhabitants will be glad to quit their Settlements here that they may live more secure in some other Part of the World amongst honester neighbours, We therefore pray your Honours Concurrence that Since the bill may not Pass as at first proposed that at least it may take Place in six months.

Signed p Order Mic Jenifer Cl Lo Ho.

M[r] John Jones & Capt. John Fendall with the bill against buying and Selling of Offices &c. And the following Message Viz.

By the Lower House of Assembly

June 3[d] 1719

May It please yo[r] Hon[rs]

We take the Amendment Proposed to the bill Against buying and Selling of Offices &c. to be such as would in a manner Defeat the whole bill which we think so very Necessary for the Welfare of this Province, And so agreeable to the Statutes of the fifth & sixth of Edward the Sixth and of the first of William & Mary That we must pray your Honours Concurrence with us that the bill may Pass with a Provisoe that It shall Relate only to such Offices or officers as shall be here- p. 97
after granted or Appointed And to such Deputations as shall be hereafter made.

Signed p Order Mic Jenifer Cl Lo Ho.

The House Adjourns till to morrow morning

Thursday June the 4[th] 1719

The House meet according to Adjournment

Present as yesterday

M[r] Ralph Crabb & M[r] James Smith with a Supplementary bill relating to the Act about Servants and Slaves, Engrosed and Assented to by the Lower House

U. H. J. The following message being Agreed upon is sent to the Lower House Viz.

By the uper house of Assembly June 4th 1719

Gent.

On Reading and Considering your Message by Mr Robert Tyler & Mr Charles Wright relating to the Bill for the Regulation of Officers Fees we Cannt but think you too Positive in Resolving to Deprive the Country of the Benefitt of the former Law made for that Purpose which we cannt But think has been very usefull in Restraining the Severall Officers from Charging & Extorting Excessive Fees & makeing them Liable to a Prosecution and Penalty for so Doing, rather than admitt of a Regulation of that Bill now Proposed by you.

p. 98 Wee are of Opinion as well as you that some of the Fees Allowed Severall Officers by the former Law are too highly rated And may be Reduced but we think that the Regulation Proposed in your Bill does so much Abridge the Perquisites of some of those Offices as not to afford a Sufficient Support for the Characters and Stations of the ꝑsons who Execute them besides we Conceive we should make but a Very ungratefull Return to his Lordship And Our Govr for the many favours we Acknowledge to have Recd from them if we should at Once so Extravagantly lessen the Revenues of those Offices which are their Imediate Dependance. And as we are a part of the Legislature for this ꝑvince we think we have a Right to Interpose our Opinions And that Such a Regulation would have been much more Properly made by a Joint Comittee Consisting of some of the members of Both houses.

In fine Gentl we hope we have the Interest of our Country at heart as much as you & in Discharging our Duties Believe we Ought not to Oppress the Poor nor do Injustice to the Rich but to pay a Just Regard to all Degrees of men by Divine Providence Establish'd amongst us

But if notwithstanding what we now Offer you resolve neither to Revive the old Law nor admitt a more moderate Regulation of the new One by you Proposed we Doubt not

p. 99 but the Evill Consequence which must necessarily follow such a Resolution will be Imputed to you & not to us who Resolve not to Pass that Bill as it now Stands.

Signed ꝑ Order John Beard Cl Uper House

Sent ꝑ Esqr Hall who returns & Says He Delivered it

Mr Joseph Hill & four others with the Journall of the Comittee of Accounts Read & Assented to by the Lower House.

M^r John Beale & M^r Charles Wright with the following U. H. J.
message Viz.

By the Lower House of Assembly
June 4^th 1719

May It Please your Hon^rs

We have Considered your Message of this Day by Esq^r Hall with the Bill for the Limitation of Officers Fees And thô this House are not Willing to Consent to the Reviving the Old Act yet they are willing that Such of the members of your House as you shall think fitt to Appoint may be Joyned with some of the members of this House in a Conferrence for such a Necessary Regulation of those Fees which if your House Agrees to We Desire the Gent may be Appointed that may Proceed thereon this morning.

Signed p Order Mic Jenifer Cl Lo Ho.

Whereupon Col Tilghman & Coll Matt. Tilghman Ward are p. 100
Appointed on that Conferrence

And the following Message Prepared viz.

By the uper house of Assembly June 4^th 1719

Gent.

We have appointed Col Rich^d Tilghman & Col Matthew Tilghman Ward to Joyn with some Members of your house in a Conference as you Propose by your Message by M^r Beale & M^r Wright on the Act for Limitation of Officers Fees who are Ready to Attend in the Conference Chamber

Signed p Order John Beard Cl Up Ho.

Sent by the Gentl Appointed who Return and say they Delivered it

The Act for Relief of John Beale of Charles County &c being Read The Question is put whether that bill shall Pass or not

Resolved by majority of Votes that it Pass and Endorsed Accordingly, and Sent to the Lower House by Col Young who Returns & Says He D^d it

The Bill against buying and Selling of Offices &c is Endorsed

By the Upper House of Assembly
June 4^th 1719

Read and will Pass with the Provisoe Proposed by the p. 101
Lower House

Signed p Order John Beard Cl Up Ho.

U. H. J. Sent by Col Addison Who Returns and Says he D[d] it.

The House Adjourns till Afternoon

Post Meridiem

The House meet according to Adjournment

Present as before noon.

M[r] Robert Tyler and four others from the Lower House with the following Message Viz.

By the Lower House of Assembly

June 4[th] 1719

May It Please your Honours.

We appointed M[r] Rob[t] Tyler M[r] Charles Wright John Rousby Esq[r] Col John Mackall Col James Maxwell & Capt St. Leiger Codd to Joyn with the members of your house in the Conference Proposed who are Ready to attend

Signed p Order Mic Jenifer Cl Lo Ho.

The House Adjourns till To morrow morning

Fryday June 5[th] 1719

p. 102 The House meet according to Adjournm[t]

Present as yesterday

The Supplement to the Act relating to Servants and Slaves Engrost And being Read & Assented to by this house, John Hall Esq[r] is sent to Acquaint the Lower House thereof

Col James Philips & M[r] John Caldwell with an Engrost bill for Relief of Sundry Poor Prisoners,

Assented to by the Lower House

And being Read is Assented to by this And John Hall Esq[r] Sent to Acquaint the Lower House thereof.

Cap[t] John Fendall & M[r] Geo Dent with an Engrost bill for the Relief of John Beale &c.

Assented to by the Lower House.

And being Read is Assented to by this And Jn° Hall Esq[r] sent to Acq[t] the Lo: Ho. thereof

M[r] Robert Tyler and four others from the lower house with the following Message Viz.

p. 103 By the Lower House of Assembly

June 5[th] 1719

May It Please yo[r] Honours

This House having Read the Report of the Conferrees on the Act for Limitation of Officers fees, Concurr therewith,

And Desire to know whether your honours will Agree with us that a bill may be brought in thereon According to that Report U. H. J.

Signed p Order Mic Jenifer Cl Lo Ho.

In Answer whereto the following Message is Prepared viz.

By the uper House of Assembly

June 5th 1719

Gent. In Answer to your Message by Mr Tyler & four others this house Agrees that a bill may be brought in Limitting the Severall Officers fees as proposed by the Report of the Conferrees.

Signed p Order John Beard Cl Up ho.

Sent by Col Tilghman & Col Ward who Return & Say they Dd it.

Messrs Joseph Hill & John Caldwell with the Engrost bill against buying and Selling of Offices &c

Assented to by the lower house.

And being Read is Assented to by this house and John Hall Esqr Sent to Acquaint the lower house thereof

The Bill for Securing the Peace of this Province against the Villainies of Imported Convicts being Read the following message is Prepared. p. 104

By the uper house of Assembly

June 5th 1719

Gent. We Cannot Agree with you in Opinion that the bill now Proposed for secureing the Peace of this Province against Imported Convicts does not relate to Trade because tho It does not Directly Prohibit the Importation of them, yet it Effectually Discourages any psons from buying them, which must needs be a great Detriment to any Merchant who shall undertake the Transportation of such Convicts. Therefore we have Great Reason to believe his Excellency the Govr will not Pass a Law, so Contrary to his Instructions besides we think it would be a Great Injustice to any Merchant that use or may happen to be Concerned in Transporting such Convicts to make a law to deprive them of the opportunity of disposing of them here without giving a Sufficient Time to Apprize them of it So that Altho we are very apprehensive of the mischiefs that may Ensue upon the Importation of such psons amongst us, yet we Cannot Consent to the Passing this bill under a less

U. H. J. Limitation than Twelve months, which we hope will Obviate all Difficulties in the passing it

Signed p Order John Beard Cl Up Ho.

Sent by Esq[r] Hall who Returns & Says he D[d] it

p. 105 Col John Mackall & M[r] John Caldwell with the following Message

By the lower house of Assembly

June 5[th] 1719

May It Please your Honours

This house has Agreed that their severall Members and Officers be Allowed at the Rate of twelve Shillings and Six pence Curr[t] mony for the three days Attendance more than Allowed in the Journall of the Comittee of Accounts this Assembly, And Desire to know whether your Honours will be willing that the like Allowances be made to the severall members of your house with which if you agree the Allowances may be now made Accordingly.

Signed p Order Mic Jenifer Cl. Lo Ho.

The house Adjourns till Afternoon

Post Meridiem

The house meet according to Adjournment

Present as before noon

M[r] Joseph Hill and three others from the lower house with the bill for Limitation of Officers Fees And the following message

By the lower house of Assembly

June 5[th] 1719

May It Please yo[r] Hon[rs]

p. 106 You have herewith a bill for the Limitation of Officers Fees According to the Regulation proposed by the Conference Appointed for that purpose, but least it shou'd meet with any Difficulty in being Passed by his Excell[cy], we propose that an Address be prepared to his Excellency Setting forth Proper Reasons to Induce him to Pass the same, In which we Desire you wou'd be pleased to Joyn

Signed p Order Mic Jenifer Cl. Lo. Ho

Mess[rs] Tho[s] Edmondson & Tho[s] Fisher from the Lower House with an Engrost bill for Secureing the Peace of this

Province against the Villanies of Imported Convicts. As- U. H. J.
sented to by the House

Ordered that the following Message be Prepared Viz

By the uper house of Assembly

June 5th 1719

Gent. We Agree that the Allowcs due to the Severall Members And Officers of this house for their three days Attendance this Sessions more than what is in the Journall of Accounts be paid them in mony at the Rate of Twelve Shillings & Six pence Currt p hundred

Signed p Order John Beard Cl Up Ho.

Sent by Esqr Lloyd who Returns & Says he Dd it p. 107

Mr James Stoddert & George Dashiel from the Lower House with a bill for laying the publick Levy this Present year 1719. Passed by that house

And being Read will Pass in this House, And so Endorsed, And Sent to the lower house by Col Tilghman who Returns & Says he Dd it

Ordered that the following Message be sent to the Lower House Viz.

By the uper house of Assembly June 5th 1719

Gent.

Upon Reading Your message by Mr Hill & others his Excellency is pleased to say that he shall Pass the bill if there be a Limitation which he Desires may be for three years, And to the End of the next Session of Assembly which shall happen after the three years or to the End of the first Session of Assembly after the Arrivall of our Lord Propry which shall first happen.

Signed p Order John Beard Cl Up Ho.

Sent by Esqr Brook Col Young Esqr Hall & Col Tilghman who Return & say they Dd it

The Act for Limitation of Officers Fees Read & with the Amendmts will pass And so Endorsed and Sent to the Lower House by Col Tilghman who Returns & Says He Delivered it.

The following message is Ordered to be Sent to the Lower p. 108
House.

By the uper House of Assembly

June 5th 1719

Gent. There being a Greater number of Laws made this Sessions than the last, We Referr it to your Consideration to

U. H. J. make his Excellency what Allowance you think may be Suitable for a Copy of the Laws this Sessions to Each County And for one to the Provinciall Court.

Signed p Order John Beard Cl Up Ho.

Sent by Esq^{r} Hall who Returns & Says He Delivered it

The House Adjourns till To morrow morning

Saturday June 6th 1719

The House meet according to Adjournm^{t}

Present

Tho^{s} Brooke Esq^{r}	Phil Lloyd Esq^{r}
Col Sam^{l} Young	&
John Hall Esq^{r}	Ric^{d} Tilghman Esq^{r}

p. 109 An Act for the further Security of the Peace of this Province being Read is Assented to by this house And Col^{o} Tilghman Sent to acquaint the Lower House thereof.

An Address being Drawn up by a Conference appointed for that Purpose, to his Lordship is laid before this House as follows Viz.

To the Right Honourable Charles Absolute Lord and Proprietarie of the Provinces of Maryland & Avalon Lord Baron of Baltemore &c And To the Right Honourable Francis Lord Guilford &c. his Noble Guardian

The humble Address of the Uper & Lower Houses of Assembly In the Province of Maryland

May It Please yo^{r} Lordships

We your Lordships most Obedient faithfull Tenants of the uper and Lower Houses in Assembly now Convened take the Liberty of Representing with One General Voice that nothing Could have given us a more Pleaseing & Compleat Satisfaction at this time then to have Confirmed to us from Your
p. 110 L^{d}ships Own hands that you look upon Our Just Endeavours to Support the Authority of your Courts And Protect the ꝑsons of your ministers as a manifest Evidence of Our Approbation of your Lordships Dominions Over us.

Wee think ourselves Very happy that we have been able to Express such a Due Sense of our Duty as that Your Lordships have Apprehend'd our Proceedings to have the same Tendency that wee Designed & that you have thereupon declared

the Libertys & Properties of the Good People of this Province U. H. J.
are Strengthened thereby.

Such free Declarations convince us that Your Lordships would not have Disassented to that Act for the Better Supporting the Magistrates in the Admrcon of Justice within this Province had it not been out of a Tender Regard to the Preservation of the Rights & Libertys of an English Subject A Principle so Just & so Beneficent it fills us with Pleasure to foresee that Justice & Clemency are like to become the Rule of your Lordships Governt.

But give us leave in most Humble mañer to Represent that the Particular ꝑson mentioned in that act did never Apply himself to the uper House upon that Occasion Altho he had very Little Reason to Apprehend any Hardships there from the Treatmt he mett withall a few Days [before] upon his Re- p. 111
fusall to Make such Reasonable Acknowledgment of his indecent and Insolent Behaviour to our Governour in the Court of Chancery & Elsewhere as was Required of him by Your Lpps Letter to him for that Purpose. This gives a great Deal of Reason to believe that the Subtill Insinuations and false Allegations of that ꝑson Prevailed upon those Eminent Gentlemen of the Law to give their Opinions as they have been Transmitted to us.

Wee Humbly Submitt to your Lordships Opinions that Laws made agt Persons ex post facto if not unjust are at Least Deemed Severe, but Such was the Case of that Particular Person that frequent Excuses Brought on Repeated Transgressions and pardoning Instead of Humbling him made him so much the more Insolent. Whereupon the Legislative power seeing all Authority of Government Slighted and Contemned took in hand the Affair and made the Act afd as the Only Effectuall Discouragement to such like Practices for the future. But fforasmuch as Your Lordships have Been Pleased to Disapprove of the manner of tacking any Particular Clause to a Generall Bill We have so Just a Deference for your Lordships Opinions in the Case that we have now proceeded to remedy the Great Evil by two distinct Acts

May It Please yr Lordships p. 112

Wee make no Question but the Advancement of Learning within this your Province Shall be a very acceptable Thing to you yet fforasmuch as the narrow Circumstances of an Infant Country (All our Funds raised for that purpose falling short of the End Designed) will not alone afford Sufficient Encouragement thereto which Lays us under a necessity of Addressing your Lpps upon this Occasion for Altho the Condition

U. H. J. of most of the People here has Little Claim to a Truly Generous and Liberall Education yet Abundance of youth now Growing up are unhappily Destitute of those Comon Improvements w^ch^ Nature hath made them very Capable of for the Rendering them better Christians better Subjects to his Majesty & Better Qualified ꝑsons for the Just Discharge of the Sev^ll^ Trusts To which Your Lordship or your Successors may have Occasion to Appoint them as well in the Offices of State as in the Distribution of Justice & all Other the Exigencys of Life

Wee Humbly Begg leave to Lay before your Lordships that by an Act of Parliament of the 25^th^ of King Charles the second a Duty of One penny ꝑ pound was Laid upon all Tobacco
p. 113 transported from Plantation to Plantation the whole of which Revenue by the Royall Donation of the late King William the Third of Glorious memory was Appropriated to the Building and maintaining a Colledge of Learning in Virginia ever since which the good People of this ꝓvince have paid Large Sums of mony towards the Encouragement of Learning there which the Distance of the Place And the Great Charge of Schooling Children hath made Altogether useless to us; For such ꝑsons as are of Ability to Defray such Charge choose Rather to Educate their Children in Great Brittain whilst the middling Sort of People who only Stand in need for the Education of their Children of such Pious and Charitable Foundation reap not the least Benefitt thereby.

But if the Royal Grants of King William af^d^ be Limitted to a Certain time when it shall Determine as we are informed it is then we are in Great hopes that upon the proper Application to his most sacred Majesty setting forth that we Your Lordships Tenants of this ꝓvince are alike Subjects of Great Brittain with those of Virginia that we are under much Greater Difficultys as to Schools that there hath been Sums of mony
p. 114 Collected on the said Duty of One penny ꝑ pound and applyed to the Colledge af^d^ that a Magnificent Colledge is and hath been Long since Built in Virginia We are Humbly of Opinion that it may now be thought Reasonable that we his Majestys Loyall Subjects of this ꝓvince should have some share in his Royall Bounty Towards the Support of a Free School already Built at Annapolis And that the One Penny ꝑ pound to be Collected within this ꝓvince after the Determination of the Grant to the Gov^r^ and Trustees of the College in Virginia af^d^ might be applyed to the use and Support thereof

Wherefore we humbly Implore your Lordships kind Endeavours in Assisting & Carrying on a Design so truly noble &

Beneficiall to the whole ꝑvince And if Accomplished will U. H. J.
Perpetuate your Lordships memory in the minds of all Good
People for Ages to Come.

May It Please y^r^ Lordships

Wee want words to Express our Satisfaction at the Intire Confidence your Lordships Declare you have in Your Great Councill Convened in Generall Assembly And do now promise that we will make our Chief Endeavours To Cultivate this good understanding by all the measures of Duty and Submission that shall be most Consistent with the true Interest of p. 115
Maryland which we Promise ourselves your Lordships will always have at Heart as well as the Protestant Establishment the True foundation of it.

Wee Begg leave to Applaud your Lordships Tender Compassion to Consciences truly Scrupulous a Principle that Speaks you true Sonns of that Holy & Pious Church w^ch^ practices Charity with all Mankind And we do further Assure you that we are Led by our Inclinations as well as Principles to the same Compassion for all such ꝑsons of Scrupulous Consciences as Demeane themselves Inoffensively in the Government and Do not Endeavour the Perverting his Majestys Protestant Subjects to the Superstition of the Church of Rome.

But if any such ꝑson should Complain of Persecution meerely Because we do not make Particular Laws in their favour to be a Barrier & as it were skreen them against the Laws of Great Brittaine Wee flatter ourselves that your Lordships will have such a Just Regard of the Sincerity of our Proceedings that you will not upon the Suggestions or Insinuations of any Such Evill minded ꝑson lessen that Confidence so happily Established Between your Lordships and p. 116
your Great Councill of this ꝑvince Convened in a Generall Assembly.

That this Present Good understanding Between your Lordships and yo^r^ two houses of Assembly may Long Continue is the Hearty Desire of

Your Dutifull Tenants and most
faithfull Humble Serv^ts^

Which being Approved of by this House is signed by the Sev^ll^ Members thereof & sent to the Lower House to be Signed there

Col Hynson & three others from the Lower House with the two following Engrost bills

U. H. J. A Bill for Laying the Publick Levy for this ꝑsent year 1719
A Bill for the Limitation of Officers Fees.

Both read and Assented to by that house.

And the Bill for Laying the Levy being read in this House is Assented to.

On reading the Engrost Bill for Limitation of Officers Fees the Question is Put whether it shall Pass or not.

p. 117 Thereupon M^r^ Phil Lloyd Esq^r^ one of the members of this House Enters his Protestation against it as follows Viz.

June 6^th^ 1719

' Philemon Lloyd Esq^r^ Deputy Secretary of Maryland by way of Protestation against the passing of the Bill for the Limitation of Officers Fees now in Reading in this House Declareth the said Bill to be the Only Infraction that hath been made of this Kind upon the Rights of the Secretarys of this ꝑvince since their first Appointment And Tends very much to the lessening the Dignity of such Officer by Depriving him of so Great a part of those ꝑquisites and Emoluments of his Office w^ch^ were att first Designed by the Lord Prop^ry^ to be an handsome Support of that Character and Originally Annexed to the Secretarys Office by an Act of Assembly without Limitation of time untill after the Revolution that Sundry Disputes Arose Between Gov^r^ Copley and S^r^ Thomas Lawrence then Sec^rty^ of this ꝑvince by the Appointment of King William the third Upon which Difference the Country took the Advantage and made those Fees that were before the Proper Rights & ꝑquisites of the Secretarys Office to Depend upon Temporary Laws renewed from time to time where the Fees were ffre-
p. 118 quently mutilated in some particular only untill now that the whole List of Sec^rtys^, if this Bill Pass will be Reduced at least One fourth Part without Distinction of the nature and Quality of some Services which Deserves a Proportionable ffee or Reward as Particularly in the Case of a Writt of Injunction out of the Chan^ry^ Office which by this Bill is Rated at three Shillings and nine Pence for the whole Charge of that Writt untill it Come to the Seale Computing Tob^o^ at One Penny ꝑ pound the consequence of all which will be that the Lord Prop^ry^ will find himself concerned in the curtailing those Fees which were by his L^pps^ noble Ancestors Annexed to the Sec^rtys^ Office for the Better Supporting the Dignity of that Officer the Gentl who are his Lordships Principall Secretarys at this Time will in the next Place have but too Just Cause of Complaining that they shall if this Bill pass into an Act be thereby Deprived of the full Benefitt of their Office as Granted unto them by the Right Honble Charles Absolute Lord & Prop^ry^ &c.

To receive all such Other ꝑquisites Fees & Advantages What- U. H. J.
soever to the said Office of Secretary Belonging or in any
Wise Appertaining in as full and ample manner as any ꝑson p. 119
or Persons heretofore have held or Enjoyed or Ought to have
held and Enjoyed the same.

And Lastly the Lessening the Sec^{rty} Fees to such a Degree will in My Opinion Encourage all Litigious Spirits in Molesting & harrassing their Innocent Neighbours with Vexatious Suits upon Slight & frivolous Grounds Seeing that Causes are now to be carryed thrô the Supreame Courts of this ꝑvince at so Little Expence. Whereas it hath been the Wisdom of the Legislature of the English Nation to Suffer such Fees to be taken by the Officers of the Supreame Courts as have some Proportion to the Dignity thereof And are Purposely Designed for detering people and preventing Litigious Suites upon Slight & frivolous matters as well as to Discourage the ꝑsecuting & removing Causes of small Value in the Supreame Courts.

All Which being Considered as well as the Great Deduction of Secretarys Otherwise Occasion'd by Sundry Acts of Assembly limitting the Jurisdiction of the Provinciall Court whereby Great Part of the Customary Business thereof is Devolved upon the County Courts to the Great Prejudice of the Secretary, I Humbly Conceive that the Matt^{r} herein sett p. 120
forth to be Sufficient Grounds for my Protesting against the Passing of this Bill for Officers ffees as it now stands Limitted & Regulated

Phile Lloyd

The Question being again Put resolved by the majority of Votes it Pass, Thereupon the Assent Endorsed and Esq^{r} Hall sent to Acquaint the Lower [House] thereof.

M^{r} Codd & Col Maxwell with the following Message from the Lower House Viz.

By the Lower House of Assembly

June the 6th 1719

May It Please Your Hon^{rs}

In answer to Your Message by Esq^{r} Hall Last night this House have Resolved that his Excy be Allowed One Thousand pounds of Tob^{o} for Each body of Laws to the County & one to the Provinciall Court.

Signed ꝑ Order. M Jenifer Cl Lo Ho.

U. H. J. On Considering that his Excy has been Very Serviceable to this Country and has Disbursed Great Sumes Of mony for
p. 121 the Interest thereof The following Message is Prepared Viz.

By the uper House of Assembly

June 6th 1719

Gentl. Tis very well known how kind and Serviceable his Excy the Govr has Been to this Province dureing his Admrcon here not only in the Supporting the Authority of his Lordship but in Consulting the true Interest of Maryland wherefore we Offer it to your Consideration whether It be not Reasonable (this being probably the Last Session of Assembly that we shall have the Happiness to meet him in) to make him some Greatfull Acknowledgment for all his favours.

Signed p order Mic Jenifer Cl Lo Ho.

Sent to the Lower House by Col Young Esqr Hall & Col Tilghman who Return & say they Delivered it

The House Adjourns till Afternoon

Post Meridiem

The House meet According to Adjournment

Present as before noon

p. 122 An Address to his Majesty being Prepared is laid before this house as follows Viz.

To the Kings most Excellent Majesty.

The Humble Address of the Govr and the Members of the uper & Lower houses of Assembly in the Province of Maryland 28th of May 1719

Dread Soveriegn

Wee your Majestys Dutifull and Loyall Subjects in this Remote pvince in all Humility Begg leave to Address your Sacred Person to Congratulate you on your many happy Discoverys of the Designs of your Enemies & the Continuance of your precious Life to this happy Conjuncture On which we with Joy Solemnize the Anniversary of your Birth.

May the King of Kings Assist and Enable you to Disappoint all the Projects of yor Enemies & to Establish a Protestant Constitution in Church & State in all Your Dominions May
p. 123 the Bounty of Heaven Continue your Majty And your Posterity to be the Arbiters of Europe the Terror of your Enemies

and the Joy of your People till Time shall be no more is the ardent Prayers of U. H. J.

May It Please your Majesty
Your Majesty's most Dutifull &
most affectionate Subjects and Servants

Which being Approved of is Signed by his Excy and the Severall members of this House and sent to the Lower House to be Signed there.

The Journal of the Comittee of Accounts being read in this house is Assented to and sent to the Lower House.

Col Mackall & Roger Laramore bring from the Lower House the Address to his Majesty Signed by that House.

Mr James Stoddert & John Caldwell from the Lower House and Acquaint this House that they have no Publick Business Lying before their House.

Col Mackall & 5 Others from the Lower House with the following Message Viz.

By the Lower House of Assembly

June 6th 1719

May It Please your Excellency

Wee desire your Excys favourable Acceptance of Two Hundred pounds Currtcy as a Gratefull Acknowledgment of p. 124 the many good Offices you have Done us.

Signed p Order M Jenifer Cl Lo Ho.

Whereupon his Excellency is Pleased to write to the Speaker of the Lower House as follows Viz.

June 6th 1719

Mr Speaker.

I Desire you will Acquaint the House that I have Just now Recd their Message by Col Maxwell and five more Desiring my Acceptance of Two hundred pounds Currency for many good Offices I have Done the Country

I am willing to Accept of that Sume as a reimbursement of what I have really and Truly Expended (tho the Sum I have given farr Exceeds this now Offerred) for Supporting & Maintaining the Laws of this pvince from the Invasion of the Papists and their Adherents on them, And this I give under p. 125 my hand Because I am now and at all times ready to maintain the Truth of what I say that the Honr and Safety of Maryland

U. H. J. was at Stake at the Time I laid Down my Mony to Defend both.

Jo: Hart

Sent p Esq^r Lloyd who returns and Says he D^d it.

Tho^s Bordley Esq^r & five others from the Lower House with the following Message Viz.

By the Lower House of Assembly

June 6th 1719

May It Please Yo^r Excellency

Wee are truly Sensible that Yo^r Excy has been at Great Expence in Maintaining the Laws of this Province against the Invasions of Papists and Acknowledge the sum Proposed to be Realy but a reimbursment of Part of What your Excellency has Disbursed for the Honour and Safety of Maryland And Desire your Excy^s Acceptance of it as such

Signed p Order M. Jenifer Cl. Lo Ho.

p. 126 Ordered that Col Sam^ll Young go to the Lower House and Acq^t M^r Speaker and the members of that house that his Excy Comands them to Attend him in the Councill Chamber to see the Laws made this Sessions Sealed & receive their Assent who returns & Says He delivered their Message

Accordingly appeared M^r Speaker & the Members of the Lower House And saw the following Acts Sealed with his Lordships Greater Seale of this Province and Assented to by his Excy on behalf of the Right Hon̄ble the L^d Prop^ry of this Province Viz.

N° 1. An Engrost bill for Supplying Certain Defects in a Conveyance of Land from Henry Roberts to John Ford

2. An Engrost bill for the Vesting & Setling an Estate of Inheritance in Fee simple of and in a Certain parcell or Lott of Ground in the City of Annapolis Containing One hundred & Twenty feet in Length on Rob^t Johnson of Ann^ll County Ship Wright

p. 127 3 An Engrost bill to Confirm to William Gray of Calvert County a Small Parcell of Land lying in the said County Sold by Rob^t Brooke to the said Gray now in the Possession of the said Gray.

4. An Engrost bill to Confirm a Tract of Land therein Mentioned to the Rector or minister of St. John's Parish in Baltimore County and his successors for Ever

5. An Engrost bill for the Encouragement of an Iron manufacture within this Province

6. An Engrost bill for the Better Supporting the magis- U. H. J.
trates in the Adm^rcon of Justice within this Province

7. An Engrost Bill Explaining & Declaring particularly what Laws were Repealed by an Act Entituled an Act Declaring all Laws heretofore made which have been reenacted this Sessions of Assembly to be Repealed and Reviving the Act for Relief of Ann^ll [1] County

8. An Engrost Suplementary Bill to the Act for Appointment of Constables & what relates to their Office and Ascertaining what ꝑsons are Taxables.

9. An Engrost bill reviving an Act of Assembly of this p. 128
Province Entituled an Act for the Ordering and Regulating the Militia of this Province for the better Defence and Security thereof.

10. An Engrost bill Reviving an Act of Assembly of this Province Entituled an Act for the Encouragement of Tillage & Reliefe of Poor Debtors And for Supplying some Defects therein

11. An Engrost Supplementary Bill to the Act for Causing Grand and Petit Jurors and Wittnesses to Come to the Provinciall & County Courts and Ascertaining their Allowances.

12. An Engrost bill for Disabling Thomas Macnemara Esq^r to Practice the Law in this Province

13. An Engrost bill for the Application of Such Intestates Estates as leave no legall Representatives and for Enforceing Proceedings ag^t Temerary Adm^rs

14. An Engrost Supplementary Bill relating to Serv^ts and Slaves.

15. An Engrost bill for the Reliefe of Sam^ll Lyle of Calvert County of Ch^r Bateman Rob^t Gray and John Budd of Kent County Languishing Prisoners.

16. An Engrost bill for Relief of John Beale of Charles p. 129
County Gentl. & Rich^d Beale a minor.

17 An Engrost bill for Limitation of Officers ffees.

18. An Engrost bill for Laying the Publick Levy Anno 1719.

After which his Excellency is Pleased to Prorogue the Assembly as follows Viz.

Gentl.

With the Advice of the Right Hon̄ble the Lord Proprietarys Councill I have thought fitt and Do hereby Prorogue this

[1] Ann Arundell.

U. H. J. ꝑsent General Assembly untill the fourth Day of August next ensuing

And do require you to take notice that you are Accordingly so Prorogued.

So Ends the fourth Sessions of Assembly held for this Province since his L^{d}ship the Right Hon^{ble} Charles Absolute Lord and Prop^{ry} of the Provinces of Maryland & Avalon Lord Baron of Baltemore has been Restored to his Government of this Province this Sixth Day of June in the fourth year of his said Lordships Dominion &c Annoq Domini 1719

Test John Beard Cl Up Ho

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, May 14–*June* 6, 1719.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J.
M. H. S.
Collection
Calvert
Papers (769)
p. 1

At Session of Assembly begun and held at the city of Annapolis in Ann Arundell County for the Province aforesaid the fourteenth day of May Anno Domini Seventeen hundred and nineteen By Virtue of his Lordships writts of Election bearing date the Ninth day of March Anno Domini 1718, To the Severall Sherriffs of this Province and the Mayor Recorder and Aldermen of the city of Annapolis directed to choose the Severall Representatives for the said Countys and city Aforesaid According to Act of Assembly in Such Cases Provided to Serve in a Generall Assembly to be held for the said Province at the city Aforesaid the 21st day of Aprill last past which by Sundry Prorogations was prorogued till the said fourteenth day of May instant Assembled at the Stadt House in the said City the following Representatives viz:

For Saint Marys County
Colo Henry Pere Jowles
Mr Thomas Waughop
Mr Truman Greenfield
Mr George Clarke

For Kent County
Col Nathaniel Hynson
Capt St Lieger Codd
Mr James Smith
Mr Lambert Willmore

For Charles County
Capt. Jno ffendall
Mr John Parry
Mr Robt Hanson
Mr George Dent

For Talbott County
Robert Ungle Esqr
Major Thos Emerson
Mr James Lloyd
Mr Thos Edmondson

For Baltemore County
Coll° James Maxwell
Capt Richard Colgate
Capt ffrancies Dollahide
Col° James Phillips

For Ann Arundell County
Mr Joseph Hill
Capt Daniel Mariarte
Mr Richard Warfield
Mr Edmond Benson

For Calvert County
Col° John Mackall
John Rousby Esqr
Mr Walter Smith
Mr Benjamin Mackall

For Dorchester County p. 2
Majr Roger Woolford
Capt John Rider
Mr Peter Taylor

For Ceecill County
Capt James Frisby
Mr Roger Laramore
Mr William Dare

For Prince Georges County
Mr Robert Tyler
James Stoddert Esqr
Mr Philip Lee
Mr Ralph Crabb

L. H. J.

For Somersett County	For Queen Anns County
M[r] Benj[a] Wailes	M[r] Charles Wright
M[r] John Caldwell	M[r] William Turbutt
M[r] George Dashiel	M[r] James Earle
M[r] John Jones	M[r] Thomas Fisher

For the City of Annapolis.

The honble Tho[s] Bordley Esq[r], John Beale Esq[r]

Notice being Sent to the Upper House to Inform his Excellency that a Sufficient number of Members were met to make an House Col° Young and Col° Tilghman from the
p. 3 Upper House with John Beard Esq[r] Clerk of the S[d] house enter the house by Vertue of a Dedimus to them directed and Administer to the Severall Members Aforementioned the Severall oaths Appointed by Act of Assembly who Severally Subscribed the Said Oaths and also the Test.

Coll° Holland and Col° Ward from the Upper House Acquaint the Severall Members aforesaid that his Excellency commands them Imediately to attend him in the Council Chamber.

Thereupon they goe to the Council Chamber where his Excellency was pleased to Command them to return to their own house to make choice of a Speaker. They return and by Majority of Voices Elect the Honourable Robert Ungle Esq[r] for their Speaker and place him in the Chair.

Col° Mackall and M[r] Tyler are sent to the upp[r] house to acquaint his Excellency of the choice of a Speaker and to know when they shall present him for his Excys approbation.

They return and say they delivered their Message.

Col° Young and M[r] Lowe from the Upper house Inform the Members of this house that his Excellency requires them to present their Speaker.

Whereupon the House repair to the Council Chamber and there present their Speaker to his Excellency

His Excellency approves of the Choice & Comands him to take that place upon him.

p. 4 M[r] Speaker in Name of the whole House desired his Excellency on his Lordships behalfe to confirm all the Ancient and Accustomed priviledges belonging to the said house. Which his Excellency was pleased to grant ffor which M[r] Speaker returned the thanks of the whole house.

After which his Excellency was pleased to Deliver himself to the Members of the Upper and Lower Houses of Assembly in the following words viz:

Gentlemen of the Upper and Lower Houses of Assembly L. H. J.

I should not have conven'd you at this Season of the year if the Necessity of Affairs did not make it Absolutely requisite, and that I promise myself the Same Assiduous and Unanimous application to the Dispatch of business for the publick good, will be emulated and Exerted, as well in this as in the late happy Assemblys, I have had the pleasure to meet & part with.

I have it in Command from the Right Hon^{rble} my Lord Guilford and Proprietor, to let you Know how Grateful your asserting the publick authority of their Courts, and the persons of their ministers is to their Lordships And also to acquaint you, that the proceedings of the last Assembly was p. 5 for the most part approved by them.

Their Lordships have thought fit, that the Act made in last Sessions, intituled an Act for the better Supporting of Magistrates in the Administration of Justice, and for the disabling Thomas Macnemara to practice the Law therein should be declared to be null void and of no effect.

Their Lordships are pleased to express themselves on this particular, That they do think such a law very necessary But forasmuch as there is tack'd to it a clause, against a particular person, without hearing the party which is the undoubted right of every one of his Majestys Subjects, for this reason, their Lordships on very good Advice & Deliberation are obliged to dissent to the s^{d} Act.

Gent. of the Lower House.

I am ignorant of the motives induc'd you to pass the aforemention'd bill, more then from the reasons Set forth therein, which in my Opinion are Strong and well Exprest, and the facts alledged such Known truths, that I doubted not you had taken all Measures proper to the Occasion. But I must averr and declare that the party named in the bill, did not apply himself to the Upper House, where, if he had cause he might have been reliev'd, nor to me as Gov^{r} who had a Negative Voice on that Bill, Tho there was Some time between the passing it in both houses, and my fixing the Seale, and Assenting to it as an Act.

I shall Send down to your house; the Opinion of Council p. 6 learned in the Laws of Great Britain on the partys Suspension from his practice by that act. The Cases as they are Stated to the Lawyers and their Sentiments on them, are worthie your Observation.

But I must remark to you, should this party or others, be Suffered to insult the Courts as he has so Often done with

L. H. J. Impunity it would destroy the very essence of all Authority and power amongst you, which are principally constituted to pull down, and punish the haughty and the Bad, and to Support and Cherish the humble and good. I do therefore recomend it to you to make such provision, as may Support the Magistrates in the Administration of Justice, which may not be lyable to the former exception, and this you will find agreeable to their Lordships Opinions & inclinations.

Gentlemen of the Upper & Lower house.

I have the Honour to receive late letters from their Lordships Signifying their Concern & resentment for the indirect and Malicious Proceedings of Some of the Roman Catholicks against me,

Which gives me great Satisfaction so that depending on their Lordships favour & protection it is unwillingly I again
p. 7 Name that Community in a publick manner, were it not to disabuse those persons whom they have unjustly prepossessed against me, by urging that the Roman Catholicks are under a persecution in Maryland, which in this place is so well Known to be a Notorious untruth, that it Scarcely deserves a Reply.

But their Clamours on this Score haveing reached Great Britain with very aggravating Circumstances I am laid under a necessity of Justifying my Character from this barbarous Imputation in this open way to the World, by Declaring I never had other Views or intentions against the Roman Catholicks, but to prevent their Imploying of Offices or of having any influence, either Publickly or Privately on the Administration of this Government, and this I looked upon as my indispensible duty as a Governour, and I know no cause to alter my Sentiments, when in Private capacity and am always ready, when required to give an account of My Conduct and Stewardship to My Superiors

As for the unreasonable cry of persecution, I do now in the face of the Countrey, challenge and defy the Roman Catholicks or their Adherents to Shew one Instance wherein they, or any of them have been persecuted for conscience sake or even prosecuted by law on that Account, And this I desire may be made as Publick as possible to the end that all that are Concern'd may have due notice of it, both on my own account,
p. 8 And for the Justification of the Magistracy of this Province from this false Assertion of Violence and Inclemencie. I am now Convinced their are Some of the Romish Perswasion, and to their praise I speak it, who have not Joyned with the Majority of that People in their late Ambitious pretentions yet whatever Provocations these last have given me, I shall now make

them no other return but to Compassionate their mistakes, & L. H. J.
to conjure them, for their own peace, to live quietly and contentedly in their never yet Disturbed habitations under the Protection of this Protestant Government, without intermedling with the Ministerial part of it, or draw the resent[ment] of the laws on them, by their pernicious and mistaken zeal in makeing Proselytes to their Religion, of which there is but [too much] Cause to Complain; and I Can Assure them they are not to hope for other terms from the Lord Proprietor when of age, For that Noble Youth has Solemnly promised to make the Law, Justice, and Loyaltie the Standard of his Government, These are pious wise and manly Resolutions, And his Lordship has given me leave to Assert (which I do in his own Words) That his Actions will always correspond with his Declaracōns.

Such gracious expressions, from his Lordship fills me with a reall Pleasure. I Could not wish a happyer exit to my cares; and I doubt not after the Test of Years to come, it will be found, I have been contending for his Lop[s] true Honour and Interest as well as the peace and prosperity of this flurishing p. 9
Province. And I do most heartily congratulate you on the fair prospect you have of both before you And may the bounty of Heaven Preserve and increase these blessings to you, till time is no more.

Gent of the Upper & Lower Houses.

I am informed that Since the printing the laws of this Province, that the act Commonly called the repealing Act, which you will find in the printed Volume Page 170, has created a doubt in the minds of many as if that Act, had Repealed the Laws made that Sessions.

It must be Acknowledged, that Act is not so clearly and well expressed, as it might and ought to have been. But as the Scruples that are rais'd upon it, may prove of Evill consequence, It lyes upon you to make such an explanation, as shall remove all contests that may arise in argument on it.

The lives and fortunes of the Subject Depending so much on the integrity & Capacity of Juryes, I offer it to your Consideration whether the laws make a Sufficient provision for the returns of Jurys, and whether those laws are well executed or not, and as you are by the Lord Proprietors Charter, to come as near as possible to the laws and Customes of England, I propose it to you to follow their example, where no Commoner is thought too good to Serve his Country as a Juryman.

You have already given so many signal proofs of your p. 10
Zealous inclinations, to propagate learning within this Prov-

L. H. J. ince that I need not enforce the necessity of it by any further Arguments; But as I know your abilities do not come up to your desires for that laudable end, and that as yet the fund you have provided is not Sufficient to Maintain one free school, at least in every County as it is much to be wish'd it would,

I offer it to your Consideration whether on your Humble address to his Sacred Majesty (to be transmitted by my Lord propretary) Setting forth the truth, that you receive no benefit or advantage from the duty laid on your Tobacco exported to the Other plantations, althô that duty is appropriated by the Crown to the Promoting of learning in these parts of his Majestys Dominions it is probable his Maj^{ty}, who has given so Large examples of his goodness for the encouragem^{t} of learning in great Britain, will be pleased to extend his bounty here, and direct you some benefite or Equivalent for that fund, that was intended for the increase of learning amongst you. I say, what may you not expect from so pious, so Gracious & so benevolent a Soveraigne as now fills the Throne, whom God long Preserve in all felicity to do So.

There are so many advantages for the makeing and repair-
p. 11 ing of High roads, that the thing Speaks itself, so shall only observe to you that the Laws in force for that purpose are not in [m]any parts of the Province put in due execution; and as I conceive, it proceeds from the want of a Sufficient penalty on the Overseers, and on those that refuse to pay obedience to their Orders and that Generally the meanest of the people are appointed to those Offices which Obliges me to repeat, what I said on another Occasion no man is too good to serve his Country.

I recomend to you in a particular manner as a publick use and Honour to this Province that you will make such provision as you shall find necessary for the building a Bridge over the River Patuxent at Queen Ann Town in this County and for makeing a Safe and convenient road, over that Dangerous place called Kent Marshes on the Eastern Shore. These two places being the great road, through the Heart of this Country, and also the usuall and Shortest passage for all travellers to, and from his Majestys plantatins on this continent.

Since I find the excessive Charge to the Country for the Killing of Squirrells, does not decrease in proportion to what was expected, I Do again desire that law may be taken into consideration, and this I propose from my tender Regard, for the Good of this Province, which I shall always have at
p. 12 Heart, & am Even carefull, least you should hurt your Selves, thô by your own consent. And what will Posterity and Strangers say, When they are Informed, the Warr you make

on these little Animalls has Cost the Country by a Modest computation in one year 7000^{ls} Sterling. L. H. J.

When I reflect on the happy increase of the Youth in this Province, and the vast Importation of Europeans and Negroes into it Yet that the Number of your Taxables, do not Amount to what it might be reasonably expected from these causes It is Natural from hence to conclude th^{t} there are not Just returns made to the publick this is worthy your Inquisition, and in my Opinion there Cannot be too Severe penaltys imposed on such who willfully conceal their Taxables, and So defraud the publick; Whereas all that receive protection from your Laws, ought to bear equal proportion of that Charge which is Levy'd for the Common good.

Gent.

I have after my Accustomed method laid before you, the intention and end of your Meeting, and what I have offered is in the Sincerity of my heart proposed for your welfare. But as you are, I thank God, a free people so may accept or refuse, what I now deliver to you, as you shall find it for the Conveniency or inconveniency of your Country.

Jo. Hart.

M^{r} Speaker and the rest of the Members of this house return p. 13
to their own House where M^{r} Speaker resumes the Chair and reports What his Excy had before said.

The House proceeds to the Choice of their Clerk. Whereupon Michael Jenifer is unanimously chosen.

Ordered that John Rousby Esq^{r} and M^{r} Phillip Lee go to the Upper house to present the said Michael Jenifer for his Excellencys Approbation and to see him Qualifyed.

They return and Say they see him Qualified by takeing the oaths according to Act of Assembly and Subscribing the Test and takeing the following Oath of Clerk viz.

You do Swear that as Clerk to the Lower House of Assembly you shall true entries make of all Such matters and things as by the Honourable Speaker for the time being and that House shall be to you Directed The Secrets of the said House you shall not divulge to the Prejudice of the House or any member thereof but Shall in all things as Clerk to the said House well and truely Demean your Self According to the best of your Knowledge.

So help you God.

L. H. J. Mr Speaker delivers to this House their Lordships Answer to the Address of the late Assembly which is Ordered to be entred in these words following viz:

Baltimore } Gentlemen of the Upper & Lowr Houses of
Guilford } Assembly:

The dispatch given to the publick affairs in your late Ses-
p. 14 sions and the unanimous concern you have Shown for the Just Authority of our Courts and the persons of our Ministers is most Gratefull to us, as you have thereby not only manifested the Satisfaccōn you take in our Dominion over you, but in Some Measure added Strength to the liberties & properties of those you represent, The good people of Maryland Therefore we think the Generall part of the act entituled an Act for the better Supporting the Magistrates in the Administration of Justice within this Province & for the Disabling Thos Macnemara Esqr to practice the Law therein, very necessary But forasmuch as we find tack'd to it a Clause against a particular Person without hearing the party, which is the undoubted right of every one of his Majestys Subjects, We are Obliged to dissent to the Said Act, and we hereby Declare the same to be null void & of no Effect.

Laws made agt Persons ex post facto have been rarely pass'd in England but always esteem'd Severe, and we hope such a Generall Act may be made as will so effectually reach all particular persons for the future, that there may be no more Occasion to have resort to the like extraordinary means.

We are much concerned to hear that Rigorous and Oppressive Suits contrary to your Laws have been Carryed on against the Inhabitants of this Province, But we have had such great
p. 15 experience of the Wisdome and Justice of the Administration under his Majesty in all its parts that we are Sure such proceedings can never be encouraged and that they may be rightly represented We have taken an opportunity to lay your Representation thereof Before the Commissioners of his Majestys Customes

Gentlemen. As you have known us so long you [may] make a very good Judgment from our Actions tht we have nothing more at heart than the Protestant Establishment with a tender Compassion to consciences truely Scrupulous, dissenting from it Therefore let no imaginations or the Suggestions of Evill minded men who neither regard your prosperity or our authority make you Apprehend that any Endeavours either publick or private can have the least influence on the

confidence Establish'd between your Lord and proprietary and his great Council conven'd in Generall Assembly. L. H. J.

The House adjourns for an hour

The house meet According to adjournment present as before.

Resolved that M^r^ Richard Young be Serjant attendant to this house and Moses Adney Doorkeeper.

The rules of the house read agreed to and Set up. Resolved that this House will sit to do business from Eight of the Clock in the morning till Eleven & from one till five of the Clock in the Afternoon.

Resolved that Eighteen Members and the Speaker are a Sufficient number to make an house and proceed on business. p. 16

The House proceeds to name the Gent for the Severall Committees viz:

For the Committee of Elections & Priviledges. Col° John Mackall John Rousby Esq^r^ M^r^ James Lloyd M^r^ Ralph Crabb and Cap^t^ Richard Colegate.

For the Committee of Laws The Hon^rble^ Tho^s^ Bordley Esq^r^ James Stoddert Esq^r^ M^r^ Phillip Lee M^r^ John Parry M^r^ Edmond Benson and M^r^ James Smith.

For the Committee of Aggrievances M^r^ Robert Tyler Cap^t^ Daniel Mariartee M^r^ Charles Wright Col° Nathaniel Hynson and M^r^ Thomas Fisher.

For the Committee of Accounts M^r^ Joseph Hill Col° James Phillips Cap^t^ S^t^ Lieger Codd John Beale Esq^r^ and M^r^ Will^m^ Turbutt.

Who are Severally Sent out.

The House Adjourns till to morrow morning Eight of the Clock.

Fryday May the 15^th^ 1719

The house meets according to adjournment

Yesterdays proceedings are read.

Ordered the following Message be prepared viz:

By the Lower House of Assembly May the 15^th^ 1719.

May it please your Excy & Honours p. 17

This house in order to dispatch business as much as in them lyes has made a Resolution to sit from eight of the Clock in the forenoon till Eleven & from one till five of the Clock in the

L. H. J. afternoon dureing this Session and desire to know whether the time resolved on be agreeable to your Excellency and honours. Signed p order
M: Jenifer Cl. Lo. Ho:

And Sent to the Upper House by Col° Hynson and M^r Wright They return and say they delivered it.

The Peticon of the Inhabitants of St. Mary's County complaining of an undue Election of M^r Tho^s Waughop a member returned for St Marys County was read referr'd to the Committee of Elections and Priviledges to examine the allegations therein mentioned and to make their Report thereof to the House.

The petition of Thomas Linthicum praying to be relieved against the false makeing out his Patent only for Six hundred and thirty one Acres Instead of Eleven hundred & thirty one acres read and referred to the Committee of Aggrievances to make their report to the house and to call Evidences before them. And W^m Turbutt and M^r Robert Hanson added to the Committee on that occasion.

p. 18 Coll° Addison from the Upper house delivers M^r Speaker the following Message viz:

By the Upper House of Assembly May the 15^th^ 1719.

Gent. This house concurrs with your House in the times Proposed for your daily meeting and Adjourning dureing this Sessions.

Signed p Order John Beard Cl up. Ho.

M^r Brannock appears in the house.

Ordered M^r Hill and M^r Edmondson go to the Upper House to See him Qualifyed.

They return and say they see him Qualifyed Whereupon he took his Place.

The house adjourns till one a Clock in the afternoon.

Post meridiem. The House meet According to Adjournment present as in the Morning.

Ordered the Committee of Laws prepare an answer to his Excellencys Speech.

The petition of John Laseill of Calvert County praying to be Naturalized was read & ordered a bill be prepared for him accordingly upon Qualifying himself.

M^r Roger Woollford added to the Committee of laws.

Mr William Cumming admitted & Qualifyed as Clerk As- L. H. J.
sistant to this house by takeing the Severall Oaths Appointed by Act of Assembly and the oath of Clerk Assistant and Subscribing The Test. p. 19

The petition of the Inhabitants of Dorchester County complaining of an indue Election in that County was read and referred to the Committee of Elections and priviledges for their Consideration and report.

Mr Speaker Comunicates to this House the following Message from his Excellency with the Severall Opinions of Lawyers in Great Britain on the Act for the better Supporting the Magistrates in the Execution of Justice within this Province and for disabling Thomas Macnemara Esqr to practice the law therein which was read and ordered to be entred as follows viz.

Mr Speaker. I desire you will Acquaint the house the enclosed are the Lawyer's Opinions I mentioned Yesterday which are the Opinions of Council as I am inform'd feed by Mr Macnemara on this Occasion.

The Opinion of Sr Edward Northey on the back of the late Law herewith Sent you Sufficiently (as I think) Justifyes my proceeding against Mr Macnemara in the Chancery Court And may be of use to the Severall Courts of this Province.

Jo: Hart

Thomas Macnemara mentioned in the within Act is a Barrister at Law of the Society of Gray's Inn and thô he lived at Annapolis where the Assembly that made the within Law Sat yet he never was called upon or Sumon'd to appear before the Assembly to answer any charge against him But the Act was p. 20
carryed with so much Secrecy that he had no Opportunity of Justifying and defending himself, and althô he by accident had some Intimation of it, And Did thereupon exhibit a Petition praying leave to be heard against the bill yet no order was made upon it but after the Assembly was Prorogued their Clerk returned him his Petition without any answer

The Generall insinuations contain'd in the preamble are in themselves gorundless and the said Macnemara's greatest Enemies have not been able to prove any undue or unfair practice on him in one Single instance.

Quy Whether An Act grounded on Such generall Surmises and carryed on in such a manner be not Illegal and Arbitrary & whether the Lord Proprietary ought not in Justice to dissent thereto as being a thing without Precedent and

L. H. J. touching on the Freehold and liberty of the Subject and whether any Facts mentioned in the preamble of the Said Act do in Law unqualifye the s[d] Macnemara from his practice.

Answer. I never knew or heard that the Legislature of any Civilized Country ever past An Act so Arbitrary and unjust as this Seems to be and I am verily perswaded that if Applica-
p. 21 tion be made to the Lords Proprietors they will refuse to ratifye it. And I am of Opinion that if application were made to the King in Council such an usage of one of his Maj[tys] Subjects would be directed to be examined into, and if it proves as represented some redress would be directed which might in consequence affect the Interest of the Lord Proprietors and of the Colony of Maryland.

Jo: Hungerford 23 Aug[t] 1718.

The manner of passing this Act without hearing M[r] Macnemara in his own Defence is Contrary to the Common rules of Justice and is a Denyall of that right which Every Subject is by Law intituled unto for which reason as well as from the Nature of the Act itself which appears to be very Severe and is not Supported by former Instances in the like cases It deserves the reexamination of the Lords Proprietors and their dissent thereto if upon such examination it shall Appear unjust as is represented and more especially because the matters Suggested ag[t] M[r] Macnemara are not of themselves Sufficient to render him incapable of practiceing.

Question. Whether the said Macnemara by vertue of the said Act and exception made to the Saving is not disabled to carry on the Crown's business in Chancery.

The exception in the Saving being generall leaves Macnemara Subject to the disability imposed by the Body of the Act
p. 22 in consequence whereof he is disabled from prosecuting any Causes of the Crown in the Court of Chancery.

Tho Pengelly 1[st] 7[ber] 1718.

I am of Opinion it is not Proper to confirm this law but to repeal it for that it passed hastily without hearing M[r] Macnemara which was against Naturall Justice to punish a man Unheard and without giveing him an Opportunity of being heard besides the Allegations of the Act are too Generall the particulars of the Crimes not being expressed.

However I am of opinion if a practicer behave himself disrespectfully or insolently to any Court in Court Such Court hath power to record the words which make the offence and to Suspend the offender from practice in Such Court and if the offender be ordered to Submitt to the Court and beg pardon

for his offence and he refuse so to do or the offence be extraor- L. H. J.
dinary or repeated, the Court may deprive the offender of his practice in that Court and if such records be made in Severall Courts or he be convict of offences against the Courts and refuse to Submitt or be generally insolent and misbehaving himself to the Courts of Justice and his offences are multiplyed it will be Just and reasonable for the Assembly on hearing p. 23
Such offender or giveing him opportunity of being heard and having Satisfaction of his guilt for the quiet Administration of Justice and the Supporting of the Courts by Act of Assembly to make him uncapable to practice any more in any Court within that Island.

I think the being of Council for malefactors the Council behaveing himself with duty and respect to the Courts is not to be objected ag^{t} him. Edw^{d} Northey 29th Oct^{r} 1718.

The House Adjourns till to morrow morning eight a clock.

Saturday May 16th 1719

The House meet according to Adjournment

Yesterdays proceedings are read.

Col^{o} Herrman on his letter is excused by reason of his Indisposition

The peticōn of John fford read and referr'd to the Committee of laws to examine the allegations & make a report thereof [to] the house.

The petition of Thomas and Risdon Bozman read and referr'd till next Sessions and ordered that William Bozman the heir at law have notice of this petition that if he thinks fitt he may Appear next Sessions to shew cause why a bill shall not be brought in as prayed.

The House adjourns till Monday Morning Eight a Clock. p. 24

Munday May 18th 1718

The house meet According to Adjournment, present as on Saturday.

Saturday's proceedings are read. The Report of the Committee of laws on the Petition of John fford read and ordered to be entred as follows Viz.

By the Committee of Laws May the 16th 1719.

Wee have examined into the Allegations of the within Petition and find the Same to be true And humbly offer it as

L. H. J. our opinions that it be reasonable the Petitioner have leave given to bring in a bill this Sessions to confirm his title to the land convey'd to him as absolutely as if his deed had been recorded in time unless cause be shown to the Contrary next Sessions of Assembly.

Signed p Order Vach: Denton Cl: Comte

A Bill to Supply defects in a Conveyance of land from Henry Roberts to John Ford was read and ordered to be thus Endorst viz:

By the Lower House of Assembly May 18th 1719

Read the first time and ordered a Second reading on Wednesday

Sign'd p Ordr M: Jenifer Cl: Lo: Ho.

The Petition of Johannes D'hyniossa praying to be relieved
p. 25 against the Sherriff of Dorchester County on his tender of Countrey Commodites for the [release] of his body was read and ordered to be thus Endorst viz:

By the Lower House of Assembly May the 18th 1719.

The within Petition being read it is the opinion of this House that the Act of Assembly for the Encouraging Tillage and the relief of poor Debtors Sufficiently Provides for the Petitioner and that the Sherriff ought according to tht law to discharge him on his Complying therewith.

Signed p order M: Jenifer Cl: Lo: Ho:

The House adjourns till one a Clock in the afternoone.

Post Meridiem. The house meets according to Adjournmt

The petition of John Beale was read and referred till Wednesday next for a hearing that the parties may be present.

The petition of William Gray read and leave given to bring in a Bill as prayed this Sessions unless cause [be] Shewn to the Contrary next Sessions of Assembly.

The report of the Committee of Aggrievances relating to Colo Hynson and Mr Snowden referr'd from last Sessions was read and referred till to Morrow morning.

The Petition of Willm and George Bozman praying leave to bring in a bill to confirm Willm Bozman's will read and ordered that the heirs of John Bozman [appear] next Sessions if they
p. 26 think fit to Answer the Same and leave given to Subpena evidences which was so endorst.

Philemon Lloyd Esq^{r} from the Upper House delivers M^{r} Speaker the Petition of the Rector and Vestry of St. John's Parrish in Baltemore County praying leave to bring in a bill to confirm the Glebe Land given by Jeremiah Eaton unto the first Protestant Minister that Should reside in Baltemore County thus Endorst viz: L. H. J.

By the Upper house of Assembly May the 18th 1719.

The within Petition haveing been read and considered in this House, and my Lord's Agent informed thereof who declares he has nothing to offer Against it on Account of the lands being Escheatable It is referred to the consideration of the lower house if they think it reasonable to give Leave to bring in a Bill as prayed.

Signed p Order. John Beard Cl: Up Ho:

Which was read and referr'd for further Consideracōn

The House adjourns till to Morrow Morning Eight of the Clock.

Tuesday May the 19th 1719

The House Meet according to Adjournment Yesterdays proceedings are read.

The Petition of the Rector and Vestry of S^{t} John's Parish read again and leave given to bring in a bill as prayed. p. 27

Ordered that the opinions of the lawyers in Great Britain on the Act for the better Supporting the Magistrates in the Administration of Justice within this Province and for the disabling Thomas Macnemara Esq^{r} to practice the law therein be referred to the Committee of laws to report their Sentiments thereof to the house.

The petition of Robert Johnson Ship Wright praying that he may have an Estate in fee Simple in the upper part of the lott for Ship yards in the City of Annapolis was read and ordered to be thus Endorst viz.

By the Lower House of Assembly May 19th 1719.

Read and leave given to bring in a bill to confirm 120 foot in length upon the Waterside to the petitioner his heirs and Assignes for ever upon condition that the Same land shall not be applyed to any other use than that of a Ship Carpenter's yard except necessary buildings for that Service (and that if he or his heirs or assignes shall neglect to Carry on the business of a Ship Wright for twelve months together in the said yard the Corporation may reenter thereon) and upon

L. H. J. paying an Annuall rent of five Shillings current money to the Corporation for the Ground rent.

Signed p order
M: Jenifer Cl: Lo: Ho.

The house adjourns till one a Clock in the afternoone

Post Meridiem. The House meet according to Adjournment

p. 28 The petition of Mary Darrington praying to be releived against a fine & recovery in the Provinciall Court against a Certain Will[m] Darrington and Richard Hooper was read and referr'd for further consideration.

The petition of Christopher Bateman praying to be released from the Custody of the Sheriff of Kent County not being able to pay the Sume for which he was in execution was read and the Question being put whether leave Shall be given to bring in a Bill for his relief or not Resolved in the affirmative by the Majority of Voices and that he Surrender all his Estate upon oath and be Exempt from th[t] Execution for three years to come. And ordered the Committee of Laws prepare the bill.

Colonel Tilghman from the upper house delivers M[r] Speaker the petition of M[r] Tobias Pollard against Peter Taylor to his Excellency and the Honourable Council complaining of Scandalous reflections as well towards the said Pollard as the Governour and upper and Lower Houses of Assembly with the following Message which was read and ordered to be entred as follows Viz.

By the upper house of Assembly May 19[th] 1719.

Gent. Upon evidence given after reading the peticōn of Tobias Pollard herewith sent you, this house is of opinion that
p. 29 not only his Excellency the Governour in particular but the whole legislature of this Province in Generall is basely affronted & reflected on by a Member of your house, wherein as we take it, your house is particularly concerned, for if the petitioner were a Tool in the case alledged, what opinion must the Countrey have of their representatives who are so easily influenced and perverted by one Single pernicious person to consent to the ruin of their Countrey. Such practices we take to be barbarously malicious, and of very ill consequence in the effects of them as tending to create Jealousies and Distrusts between the people and his Lordships Governour and both houses of Assembly.

If upon Examination you find the facts that the Gentleman is charged withall to be true, we do not in the least Question

but that you will readily fall into such Measures as in your Wisdom shall seem meet, most effectually to discourage & prevent such base and dangerous practices for the future. L. H. J.

Signed p order John Beard Cl: Up: Ho:

Which was read and referred for further consideration till to morrow.

Col° Ward from the upper house delivers M^r^ Speaker the petition of Samuel Lyle a poor prisoner in Calvert County praying to be released from the Custody of the Sherriff of Calvert County Thus Endorst viz:

By the Upper house of Assembly May 19^th^ 1719.

On reading the within Petition it is referred to the consideration of the Lower House. p. 30

Signed p Order. John Beard Cl: up: ho:

Which was read and leave given to bring in a bill as prayed and ordered the Committee of laws prepare the bill.

Ordered that the Serjant Attendant to this House take into his custody M^r^ George Forbes for not Attending the Committee of Elections According to the Order of that Committee and bring him before the house.

M^r^ fforbes according to the order of the House appears & on his Submission is Discharged paying to the Serjeant and Door keeper their fees.

The answer to his Excellencys Speech being prepared by the Committee of laws was read and Approved and Ordered to be entred as follows viz:

By the Lower House of Assembly May the 19^th^ 1719.

May it please your Excellency

The many important occasions your Excellency was pleased to Communicate by Your Speech at the beginning of this Sessions Sufficiently Evince the Necessity of convening us at this time, althô inconvenient to our private Affairs, but as we shall always preferr the publick good to any private interest of our own, we shall endeavour with Such unanimity and dilligence to Apply and exert our Selves to the Dispatch of the business now before us as may render our Services equally acceptable to your Excellency and our Country p. 31

Wee are thankfull for their Lordships the Lords Guilford and Baltemores Approbation of our late proceedings in Asserting the authority of his Courts and Persons of his Ministers, and we shall most Sincerely endeavour to merit the like

L. H. J. Approbation by useing our utmost Endeavours for the Strengthning and continuance thereof. Thô we must Acknowledge that we are under Some concern to find the Justice of the Legislature Question'd upon the private opinion of Some Gent of the law, when we doubt not but if the reasons that mov'd them to the passing of that Act both as to the matter and Manner of it, had been heard by Disinterested persons their opinion would have rather inclin'd their Lordships to have Confirm'd than repeal'd it. And we must declare to your Excy tis Surprizing to find that Gent so eminent for learning in the Laws of great Britain as those that have Sign'd their opinions in that case, should Assert that a Lawyers contemning the Authority and affronting the persons of the Judges he pleads before and dareing a Court of Judicature to proceed ag^{t} Criminals for whom he pleads and the other
p. 34[1] reasons assigned in the preamble of that Law especially in his persisting in a continued course of misbehaviour were not Sufficient Causes for the Courts that were so us'd by him to barr him of his practice before them and it Seems much more Surprizeing that the Legislative body of this Province should be accused by the opinion of those Gent of being unjust and Arbitrary in their proceedings, for makeing a Law on the Representation of those Magistrates which only added life and vigour to their resolutions in that part.

Wee believe your Excellency was not Apprized of that law being past in the lower house without hearing the particular person, it Affected, nor of the reasons for their So doing, one of which Among many others, which we shall begg leave to remark hereafter is That thô we had good reason to believe he had notice of the first vote that past for it yet that he made no Application to be heard till after the Engrost bill came from the Upper House assented to, at which time we adjudged his proper Application lay to your Excellency it Seeming unparlimentary to call in Question a bill Solemnly past by us and another is, That the Courts before whom he pleaded haveing condemned his behaviour the Judges whereof were the proper persons to censure the behaviour of their own officers, The admittance of him to a hearing would have been calling in
p. 35 Question the veracity of those Judges without cause and makeing them parties or rather defendants to his Complaint in matters whereof the law made them Judges, and where the facts they Accused him of were Notorious.

Wee must begg leave on this Occasion to declare that we Apprehend the very essence of Authority and Government to be indeed so nearly concern'd in this Affair, that if there be the

[1] Error in paging of original record. Numbers 32 and 33 omitted.

least Colour of Encouragement given to any Lawyer to deny L. H. J.
Subjecting his Demeanour to the Judgment of the Courts he pleads in to contend with them Concerning it, and even to put the whole Country upon being Suitors in great Britain, where it Seems the truth of their allegations are called in Question, & which they cannot with Conveniency appear to prove, And if when such Magistrates pray the legislature here to assist in the regulation of Such practices by punishing those th^{t} are the most Notorious offenders in this Sort, And that neither Courts nor Countrey can be trusted with Judging of the Demeanour of one such Attorney, It must be necessarily concluded (with all humble Submission be it Spoken) such a Constitucōn cannot deserve the Charge of its Support.

But we hope for better things, and that we shall not be denyed the power of Discouraging a Person (who thô he may be a Barrister at Law yet only Acts as an Attorney here and who has been Generally troublesome to the whole Province) by such like ways and means as every Inferior Court has right p. 36
to do with any Attorney that misbehaves himself before them.

And we cannot think the thing Sufficiently discountenanced if the person that has been so remarkable an Instance as that law mentions shall be able to Justifye his ill Conduct in dispight of the Government and Country.

We shall therefore in pursuance of their Lordships recommendation endeavour (as we think it our undoubted Duty) to make Such provision by a Generall law to Support the Magistrates in the Administration of Justice as may be Sufficient for that end, and shall avoid the Imputation of tacking by proposing a Particular law for the like Support against the particular offender which may not be lyable to the exception your Excellency is pleased to mention

However private Gentlemen may have been abused by the partiall Clamours of the Papists, Yet we are well Satisfyed whoever give themselves leave to enquire into the truth of their allegations and grounds of their Complaints will Joyn with us in Asserting the truth of your Excellencys Declaration, and be astonish'd at their Monstrous Superstructure. The Laws of great Britain deny them even here the Liberties p. 37
they have hitherto enjoyed they have abused these liberties with Impunity and yet Complain against the Justice and lenity of your Excellencys Administration for no other cause that we know of But opposing their advances towards the prime offices of trust in this Province We take this to be Indulgence thô they ingratefull term it persecution and begg leave to Joyn

L. H. J. with your Excellency in defying them to shew one Single Instance of Severity from either Government or Country and Rejoyce to find their Lordships are so well apprised of the truth of the case as to Judge their proceedings Malicious and Imprudent

We are glad to find that Some (who we doubt not are the most Judicious & Considerable) of that party have not Joyn'd with the rest in their Indiscreet and Barbarous treatment of your Excellency for Supporting the Established Government and could wish the rest would follow their Examples, that all who profess the Christian faith might with Safety to the Government, be protected by it in their Conscientious Liberties but we are indispensibly obliged to act defensively and Watchfully against the Incroachments of those that endeavour to Subvert it and pervert the more unthinking of our people and allure them to the Superstitions of their Church.

The Noble and pious resolutions of our Lord Proprietary give us a lively Prospect that we shall never want the Con-
p. 38 currence of so great an Asserter and Maintainer of our Liberties And as it is obvious to all unprejudic'd Persons how just and loyall your Excy hath ever been to his Sacred Majesty and his Succession how Studious to promote the Protestant Establishment and the Honour and interest of the Lord Prop^{ry}, so with greatest truth, we may boldly assert the interest and wellfare of this Province your Excellency hath had much at Heart, for which our most gratefull thanks are return'd with a Sincere desire long to Subside under the Conduct of so unbiass'd a Ruler

Wee intirely Submitt to your Excellency's opinion on the repealing Act and Shall endeavour to explain it.

The Laws relating to Jurors, to the repairing and makeing of roads and Bridges and takeing of Taxables shall be carefully inspected and Maturely considered and Such Amendments proposed as may Answer the Ends of your Excys kind recommendation. And as to the Law relateing to Squirrills it shall be fully debated and considered

Wee are fully Sensible of the Extensive bounty of the Crown in appropriating the Duty of 1^{d} ꝑ pound for the propagateing learning in these parts where it is but too much wanted, That we think our Selves indispensibly obliged by the Strictest tyes of duty to our Soveraigne and affection to our Country to use our Endeavours that those good intentions may be render'd
p. 39 effectuall and usefull to us and that his Majesty's Charity and goodness that was intentionally extended to this Province as well as Virginia may not be wholly limitted to that Colony

especially considering that we have good reason to believe the L. H. J.
greatest part of that fund arises on the export of Tobacco from Maryland which is now Solely Applyed to the Colledge in Virginia by the remote Scituation whereof and other Insurmountable Difficultys we have Scarce a Possibility of any manner of benefit by that so considerable a fund.

Wee acknowledge the great obligations of our Country to your Excellency by recommending to us the Consideration of This so Important Affair which has been but too long neglected to the great Discouragement of learning amongst us, and Shall by our Humble Address to his Majesty Set forth the truth of our case, in which we doubt not but so much Justice will Appear that it will meet with Such favourable reception and result, as may be agreeable to the continued course of his Majestys Justice and Good[ness] So Eminently observable thrô the whole Series of his wise and pious reigne.

Lastly we take leave to express to your Excy the gratefull Sense we have, how Sincerely you have always acted in respect to the wellfare of this Province and Still continue to profess how resolute your Intentions are Wee Shall therefore Seriously consider the Severall matters propos'd to us this Sessions, and make report thereof from time to time that nothing on our part may be wanting for the Security of the Protestant Succession the necessary Support of Government the Honour of the Lord Proprietary and the Maintenance of the Liberties and properties of his Lordships good people of this Province. p. 40

Signed p Order M: Jenifer Cl Lo. Ho.

Which was Sent to the Upper House by M^{r} Bordley M^{r} Stoddert M^{r} Tyler, Major Woollford M^{r} Parry Col^{o} Hynson Col^{o} Phillips M^{r} Caldwell M^{r} James Smith M^{r} Hill M^{r} Walter Smith Col^{o} Jowles.

They return and say they delivered it.

The Report of the Committee of Elections and Priviledges was read and ordred to be entred as follows viz.

May 18th 1719.

By the Committee of Elections & Privileges upon examination of the Indentures of Ann Arundell County its found th^{t} Joseph Hill Daniel Mariartee Edmond Benson and Rich^{d} Warfield Gent. delegates are duly Elected.

As alsoe its found upon Examination that Thomas Bordley Esq^{r} and John Beale Gent. delegates for the City of Annapolis are duly elected.

L. H. J. As also Col° Nathaniel Hynson James Smith S^t^ Lieger Codd and Lambert Wilmot Gent. Delegates for Kent County are Duly elected.

Also that Charles Wright Tho^s^ ffisher James Earle and William Turbutt Gent. delegates for Queen Anns County are duly Elected. But the Sherriff hath not returned the writt of Election

Also that James Stoddert Robert Tyler Phil Lee and Ralph
p. 41 Crabb Gent. for Prince George's County are duly Elected.

Also that Col° John Mackall and John Rousby Esq^r^ Walter Smith and Benj Mackall Gent. Delegates for Calvert County are duly elected.

Also that John Parry John ffendall George Dent and Robert Hanson Gent. Delegates for Charles County are duly elected.

Also that James Maxwell ffrancies Dollahide James Phillips and Richard Colegate Gent Delegates for Baltemore County are duely Elected

Also that Benjamin Wailes John Jones, John Caldwell and George Dashiel Gent. Delegates for Somerset County are duely Elected.

Alsoe that William Dare, Ephraim Augustine Herman, James ffrisby and Robert Laramore Gent. Delegates for Ceecill County are duely Elected.

Also that M^r^ Robert Ungle M^r^ James Lloyd Major Thomas Emerson and M^r^ Thomas Edmonson Gent. Delegates for Talbott County are duely Elected.

Wee also find that Roger Woollford Jn° Brannock and John Rider Gent. Delegates for Dorchester County are duely Elected. But upon hearing the allegations of both parties in referrence to the petition to us referred We find that Peter Taylor Gent is unduely elected and that the Sherriff has been very partiall and remiss in his Duty which we referr to the Consideration of the House.

Also we find that Henry Peregrine Jowles, Truman Greenfield and George Clark Gent. Delegates for S^t^ Maries County
p. 42 are duely Elected and Upon Mature deliberation had on the Evidence declared in Referrence to the petition to us referred we conceive that the facts therein alledged against Thomas Waughop, are only Suggestions and find that the said Waughop is a Delegate duely Elected

Signed p Order
Phil. Hammond Cl. Com: Elect & priviledges.

On reading whereof the Question was put whether the house shall concurr with the Report aforesaid or not.

Resolved in the Affirmative by the Majority of Votes. L. H. J.

Thereupon the Said Mr Peter Taylor is acquainted by Mr Speaker that he is not longer a member of this House and is Discharged from further attendance.

Then the Question was put what fine shall be imposed on the Sherriff for the undue Election of Mr Taylor.

Resolved the Sume of five pounds Sterling by the Majority of Votes.

Ordered the said Sherriff appear to Morrow morning to make his acknowledgement and Submission to the house for his offence & return thanks to the house for their lenity.

The house Adjourns till to morrow morning Eight a Clock.

Wednesday May the 20th 1719

The House meet According to Adjournment. p. 43

Yesterday's Proceedings are read.

Esqr Hall from the Upper House delivers Mr Speaker the petition of John Deavour thus Endorst viz:

By the Upper House of Assembly May the 20th 1719.

The within Petition haveing been read and considered and my Lords Agent acquainted therewith who Declares he has nothing to offer against it on Account of the Lands being Escheatable,

It is recommended to the Consideration of the Lower House of Assembly to give relief to the Petitioner.

Signed p Order John Beard Cl: Up Ho:

Which was read and leave given to bring in a bill to confirm the lands therein mentioned to the petitioner in fee Simple provided the purchase money be Secured to be paid in proportion to the Value of the land the petitioner holds.

Ordered that warrant issue to the Secretary to prepare a New writt of Election to the Sherriff of Dorchester County for the Electing a member in the Stead of Mr Peter Taylor who by reason of his undue Election is dismissed the House.

Mr ffeddeman Sherriff of Dorchester County Appears according to the Order of last night and makes his Submission in the following Words viz. I return thanks to this Honourable house [for] their Lenity, acknowledge I have been remiss in my duty and humbly begg the pardon of this house for the Same and promise I will not do so any more and that I

L. H. J. p. 44 will make the like Declaration at the next County Court in full Court.

The Bill for Supplying the defects in the Conveyance of land from Henry Roberts to John fford was read and ordered to be thus Endorst viz.

By the Lower House of Assembly May the 20th 1719.

Read the Second time and will pass. Signed p Order
M: Jenifer Cl: Lo: Ho:

And Sent to the Upper house by Mr Benson and Mr Turbut They return and say they delivered it.

Mr Taylor being Sent for to answer the Petition of Tobias Pollard agt him, appeared as also the said Pollard with Sundry evidences in relation thereto, And for that It seems to the house that the said Taylor has Uttered Some indecent expressions in respect to his Excellency the Governour,

It is the opinion of this House that he ought to make his Submission to his Excellency the Governour and ask his pardon for any Offence given him thereby.

The house adjourns till one a Clock in the Afternoon

Post Meridiem

The House meet According to Adjournment.

The Report of the Committee of Aggrievances relating to Colo Hynson and Mr Snowden being referred by the parties
p. 45 to his Excellency all further proceedings thereon in this house ordered to cease.

The petition of Thos Hicks read and Ordered to be thus Endorst viz.

By the Lowr House of Assembly May the 20th 1719.

Read and ordered that the Rector and Vestry of Saint Michael's parish in Talbott County Mary the widow of John Wrightson, Michael ffletcher and Dorothy his wife and John Green the heir at law of Mary the widow and Devisee of the said Colonel Smithson have notice of the within Petition and that the same will be debated on the second week of the next Sessions that if they think fitt they may Appear and be heard thereto and leave given to Subpœna Evidences.

Signed p Order M: Jenifer Clk Lo: House.

Leave is given to Thomas Bordley Esq^{r} to be of Council wth the Petitioner L. H. J.

The Petition of John Clements read again and on hearing the Allegations of both parties by their Council, It is resolved by this House Nemine Contradicente that the petitioner has a right to the Lot of land in the Town of Cambridge which was formerly Major Taylors in the Old Survey N° 9, but in the new Survey N° 15, being the Lot whereon the Court house now Stands And thereupon leave is given to bring in a Bill Accordingly.

Signed p Order.
M: Jenifer Clk Lo. House.

M^{r} Lowe from the Upper House delivers M^{r} Speaker the bill for Supplying the defects in a Conveyance of land from Henry Roberts to John fford thus Endorst viz:

By the Upper House of Assembly May the 20th 1719. p. 46
Read the first and Second times and will pass.
Signed p Order John Beard Cl: Up: Ho:

Col° Holland and three more from the Upper House Delivers M^{r} Speaker his Excellencys answer to the Address of Yesterday which was read and ordered to be Entred as follows Viz.

May 20th 1719.

M^{r} Speaker: I desire you will acquaint the House That the Honourable mention of the Lord Proprietor in your Address of Yesterday, shall be laid before his Lordship by the first Conveniency, which I doubt not will be very Acceptable to him.

The Steady resolution of your House to maintain the Protestant Religion and laws of this Government is highly commendable in [them].

The favourable Sense your house has of my Administration is truely Gratefull, & I shall always retain an Affectionate memory of this and your former good inclinations to me.

Jo: Hart.

Col° Holland and Esq^{r} Hall from the Upper House deliver M^{r} Speaker a Bill for Encouragement of an Iron Manufacture in this province Thus Endorst viz:

By the Upper House of Assembly May the 20th 1719.
Read the first and Second times and will pass.
Signed p Order Jn° Beard Cl: Upper Ho:

L. H. J. Resolved that this House will not receive any petitions after ffriday next.

The House adjourns till to morrow Morning Eight a Clock.

p. 47 Thursday May 21st 1719

The house meet According to Adjournment

Yesterdays proceedings are read.

Bill for Supplying defects in a Conveyance of Land from Henry Roberts to John fford was read & Ordered to be thus Endorst viz.

By the Lower House of Assembly May the 21st 1719.
Read again and past for Engrossing. Signed p Order
M: Jenifer Cl. Lo: Ho:

And Sent to the Committee of Laws to be Engrost.

Bill for the encouraging an Iron Manufacturie in this Province was read and the Question being put whether the bill shall pass as it now is or be Amended,

Resolved it be amended by the Majority of Votes.

Whereupon the Same being Amended was read again and will pass which was so Endorst. And sent to the upper house by Mr Rousby Mr Lee Mr Wright and Mr Codd.

They return and say they delivered it.

Bill for Vesting and Setleing an Estate of Inheritance of fee Simple of and in a Certain parcell or Lott of Land in the City of Annapolis on Robert Johnson Ship Wright was read the first time and Ordered a Second reading tomorrow.

Resolved that all Evidences Summoned to attend this House have the Same allowances as evidences Summoned to the provincial Court.

The Petition of Severall masters of Ships praying that Some Method be taken to ease the Rowling tobacco

Read and the Question being put whether the same shall
p. 48 be [received] or not,

Resolved in the Affirmative by the Majority of Votes and thereupon the same is referred to the Committee of aggrievances who are to call the petitioners before them to hear their proposalls and make their report thereon to the house.

Col° Addison and Col° Ward from the Upper House deliver

Mr Speaker the bill for the Encouraging of an Iron Manufac- L. H. J.
ture in this Province thus Endorst viz.

By the Upper House of Assembly
May the 21st 1719.

This bill being read again with the Amendments will pass.
Signed p Order John Beard Cl: Up: Ho:

Which was read again in this House and past for Engrosing and Sent to the Committee of Laws to be Engrost.

The House adjourns till one a Clock in the Afternoon

Post Meridiem. The house meet according to Adjournment.

The petition of Benjamin Howard praying leave to bring in a Bill to Vacate a patent for Six hundred and odd acres at Deer Creek now in the possession of Butterworth was read and ordered to be thus Endorst viz:

By the Lower House of Assembly
May the 21st 1719.

Read and referr'd till next Sessions and Ordered that Butterworth and Others concerned have notice of this petition that if they think fit they may appear next Sessions to Answer the Same and leave given to Subpeena Evidences.

The petition of John Beale of Charles County referred from p. 49
last Sessions praying leave to bring in a bill for the confirming the patent of a tract of Land Called Durham lying in Charles County was read and the Allegations of the petition being found true leave is given to bring in a bill as prayed nemine Contradicente, which was so endorst.

Mr Lowe from the Upper house delivers Mr Speaker the petition of Robert Gray praying to be released from the Custody of the Sherriff of Kent County haveing nothing to pay his Debts Thus Endorst viz:

By the Upr House of Assembly
May 21st 1719

The within [petition] is recommended to the Consideration of the Lower House of Assembly.

Signed p Order
John Beard Cl: Up Ho

L. H. J. And likewise the petition of John Budd praying to be released from the Custody of the Sherriff of Kent County haveing nothing to pay his Debts thus Endorst viz:

By the Upper House of Assembly
May 21st 1719

The within petition is recomended to the consideracōn of the Lower House of Assembly.

Signed p Order John Beard Cl: Up: Ho:

The house adjourns till to morrow morning Eight a Clock

Friday May the 22d 1719

The House meets According to Adjournment.

Bill for Confirming a lott of land to Robert Johnson in Annapolis was read the Second time and Ordered to be thus Endorst viz:

p. 50 By the Lower House of Assembly
May 22d 1719.

Read with amendments and will pass.

Signed p Order M: Jenifer Cl: Lo: House

The petition of Robert Gray and the petition of John Budd read and the Question being put whether a Bill shall be brought in thereon or not,

Resolved in the Negative by the Majority of Votes. Thereupon the same is rejected.

Bill for confirming a tract of land therein mentioned to the Rector or Minister of St John's Parish in Baltemore County and his Successors for ever was read the first and Second times by especiall order and will pass Which was So Endorst and Sent to the upper House by Capt Colegate and Colonel Maxwell they return and say they delivered it.

Engrost bill for Supplying Defects in the Conveying of lands from Henry Roberts to John fford was read and ordered to be thus Endorst viz:

May the 22d 1719.

Read and Assented to by the Lower House of Assembly

Signed p Order. M. Jenifer Cl: Lo: Ho:

And Sent to the Upper House by Mr Hill & Mr Beale L. H. J.

They return and say they delivered it.

Bill to Confirm a part of a tract of Land in Annapolis to Robert Johnson read the second time, and past. Which was so Endorst. And Sent to the Upper House by Mr Hill and Mr p. 51 Beale.

They return and say they delivered it.

Esqr Hall from the Upper House delivers Mr Speaker a bill to confirm a tract of Land therein mentioned to the Rector or Minister of St John's Parish in Baltimore County and his Successors for ever thus Endorst viz:

By the Upper House of Assembly
May the 22d 1719.

Read the first and Second times and will pass with the within amendments

Signed p Order John Beard Cl: Up. Ho:

Which was read again in this House with the Amendment and will pass And was thus Endorst and Sent to the Committee of Laws to be Engrost.

The House Adjourns till one a Clock in the Afternoon.

Post Meridiem.

The house meets According to Adjournment.

The petition of Thomas Plummer craveing leave to bring in a bill to [supply] defects in Conveying lands from ffrancis Swanson to him was read and Ordered to be thus Endorst viz:

By the Lower House of Assembly
May the 22d 1719.

Read and referr'd till next Sessions and ordered that the persons concerned have notice of the within Petition that if they think fitt they may appear and answer thereto next Sessions.

Signed p Order M: Jenifer Cl Lo: Ho:

Colo Ward from the Upper House acquaints Mr Speaker that the upper House has assented to the Engrost bill for p. 52 Supplying defects in a Conveyance of land from Henry Roberts to John fford.

L. H. J. And delivered to Mr Speaker the bill to confirm part of a Lot of land in the City of Annapolis to Robert Johnson thus Endorst viz.

By the Upper House of Assembly
May 22d 1719.

Read the first and Second times and will pass.
Signed p order John Beard Cl Up. Ho:

Which was read again and past for Engrossing. And Sent to the Committee of laws to be Engrost.

The petition of Mr Joseph Hill praying that Ninety Acres of land lying within the city of Annapolis may be confirmed to him was read and referred till Munday Morning.

Mr Tyler from the Committee of aggrievances delivered Mr Speaker the petition of the Inhabitants of Baltimore County praying that they may have liberty of choosing their Sherriff by the Majority of voices thus Endorst viz:

The within Petition being read and heard it is the Opinion of this Committee that it be referred to the house for a further consideration.
Signed pr Order Phil Hammond Cl. Com.

Which was read in this House and referred till next Sessions.

The House adjourns till to morrow morning Eight a Clock.

Saturday May the 23d 1719

The House meet According to Adjournment.

p. 53 Mr Lee on his Motion has the leave of this House to goe home on urgent business but not to be allowed for this day's Attendance.

Bill for Confirming to William Gray of Calvert County a Small parcell of Land lying in the said County Sold by Robt Brooke to the said Gray now in the possession of the said Gray was read & Ordered to be thus Endorst viz:

By the Lower House of Assembly
May the 23d 1719.

Read the first and Second times by Especiall Order & will pass.
Signed p Order M: Jenifer Cl. Lo: Ho:

Sent to the upper house by Col° Maxwell Col° Phillips Maj^r Emerson, and Capt Codd. L. H. J.

They return & say they delivered it.

Bill to Invest an Estate in fee to John Clements of Queen Anns County in a certain Lott in the town of Cambridge in Dorchester County was read & Ordered to be thus Endorsed viz:

By the Lower House of Assembly
May the 23^rd 1719.

Read the first time And ordered a Second reading on Tuesday next. p. 54 Signed p Order M: Jenifer Cl. Lo. Ho.

An act for relief of John Beale of Charles County and R^d Beale a minor was read & Ordered to be thus Endorst viz:

By the Lower House of Assembly
May the 23^d 1719

Read the first and Second times by especial order and will pass Nemine Contradicente.

Signed p order M. Jenifer Cl: Lo: Ho:

Sent to the Upper House by Coll° Maxwell, Coll° Phillips Maj^r Emerson and Cap^t Codd. They returne and say they delivered it.

On reading the petition of the Coheirs of Arnold Parramore praying leave to bring in a bill to confirm John Parramore's will was read and ordered that new notice be given to the heirs of Thomas Parramore or those Concerned for them viz. Cap^t Richard Drummond and Cap^t Kitson that unless they appear next Sessions and make Defence thereto leave will be given to bring in a Bill to confirm the land to the Coheirs of Arnold Parramore.

Col° Holland from the Upper House delivers M^r Speaker the bill to confirm land to William Gray which was thus Endorst viz:

By the Upper House of Assembly
May the 23^rd 1719.

Read and Will pass.

Signed p Order. John Beard Cl: Up. Ho.

Which was read again in this House and past for Engrossing and was so Endorst And sent to the Committee of Laws to be Engrost. p. 55

Signed p Order M: Jenifer Cl Lo: Ho

L. H. J. Mr Tyler from the Committee of Aggrievances delivers Mr Speaker the following report from the Committee viz:

It being too notorious an Aggrievance within this Province that Servants running away from their Masters in other Colonys and escaping into this Province where being taken up and Confined as the law in Such Cases Directs and upon informing their Masters in what County and where they are confined they think not fitt to relieve them because paying the fees Accruing upon Such Confinement or Imprisonment is more to their prejudice then Utterly looseing their Servants. Now so it is that no provision being Made what shall be done with such Servants and it being an hardship upon the Sherriff of every County where Such persons are Confined it is offered by this Committee as an Hardship and referred to the house for their consideration thereon.

Signed p Ordr Phil: Hammond Cl. Com:

And also Delivers him the petition of Masters of Ships for the ease of Sailors in rowling tobacco referred by this House to them with the following Endorsement viz:

By the Committee of Aggrievances
Saturday May the 23rd 1719.

In Pursuance to the within order this Committee Sat in order to hear Proposalls of the petitioners but none Appearing
p. 56 on notice given it is again returned to the house for their further Consideration.

Signed p Order Phill: Hammond Cl. Com.

Whereupon the same was rejected.

Bill explaining the repealing Act was read and ordered to be thus Endorst viz:

By the Lower House of Assembly
May the 23rd 1719.

Read the first time and ordered a Second reading on Munday.

The House adjourns till one a Clock.

Post Meridiem. The house meet according to Adjournment.

The House adjourns till eight a Clock Munday Morning.

Munday May 25th 1719 L. H. J.

The House meet according to adjournment

Saturdays proceedings are read.

Bill explaining the repealing act was read the Second time and ordered to be thus Endorst viz:

By the Lowr House of Assembly
May the 25th 1719.

Read the second time and will pass.
Signed p Ordr M: Jenifer Cl: Lo: Ho:

The petition of Mr Joseph Hill praying that Ninety Acres of land lying within the City of Annapolis may be confirmed to him referred from Friday to this day was read and referred till Wednesday next for hearing.

The Petition of the city of Annapolis referred from last Sessions praying to be heard in relation to the Town Common p. 57 was read and referred till Wednesday next for hearing.

The house adjourns till one a Clock in the Afternoon.

Post Meridiem.

The house meet According to Adjournment.

The motion of the Committee of Accounts relating to Chancellours Allowances out of the Assembly time referred from last Sessions is further referred till next Sessions.

The referrence relating to Colo Lloyd is further referred till Wednesday next

Ordered the Committee of Laws prepare a Bill for the better Supporting the Magistrates in the Administration of Justice and a Bill relating to Mr Macnemara according to the proposalls in the Answer and a Generall bill for relief of poor prisoners.

Ordered the following Message be prepar'd viz:

By the lower house of Assembly May the 25th 1719

May it please yor honours

We find by your Message of the eighth of August 1716 in answer to our Message relating to Colo Lloyd's Allowances as a Chancellor whilst he was president and also to our Message of the 7th of August 1716, relating to Mr Rousby's demand on the Revenue of 3d p hhd for Arms &ca that your house then desired a referrence of those matters to the next Sessions to which our house then consented and for these two Sessions

L. H. J. past has been continued on our Journalls on the referrence but as yet nothing is done therein by your House as we can perceive We therefore desire your Honours further notice thereof.

p. 58 Signed p Ord^r M: Jenifer Cl. Lo. Ho:

And Sent to the Upper House by Cap^t Codd and M^r Walter Smith.

They return and say they delivered it.

Bill explaining the repealing law was sent to the Upper House by M^r Rousby Maj^r Emerson Cap^t Colegate and M^r Earle.

They return & say they delivered it.

The House adjourns till to morrow morning Eight a Clock.

Tuesday May the 26^th^ 1719

The house meet according to adjournment. Yesterdays proceedings are read.

Bill for relief of John Clements was read and ordered to be thus Endorst viz:

By the Lower House of Assembly May 26^th^ 1719.

Read the Second time and the Question being put whether the bill shall pass or not, Resolved in the Affirmative by the Majority of Votes.

Thereupon the bill will pass.

And sent to the Upper House by M^r Hill and M^r Earle.

They return and say they delivered it.

Cap^t Mariartee from the Committee of Aggrievances Delivers M^r Speaker the petition of Severall Inhabitants of this Province praying to be allowed to pay their Levies in money and which was Endorst viz:

p. 59 By the Committee of Aggrievances
May the 25^th^ 1719.

Read and referred by the Committee of Aggrievances to the house for their Consideration thereon.

Signed p Ord^r Phil: Hammond Cl. Com:

Which was likew[ise] read in this House and referred till next Sessions of Assembly.

On reading and considering that part of his Excys Speech and the Act relating to Jurors,

The Question was put whether a Supplement shall be Added to that act or not.

Resolved in the Affirmative by the Majority of Votes and L. H. J.
that the Jurors shall not receive any more nor the Suitors give more than one hundred and twenty pound of Tobacco or twelve Shillings.

Then the Question was put whether the County Jurors, shall have more than the one hundred and twenty pounds tobacco usually taken for their attendance or not.

Carried in the affirmative ꝑ the Majority of Votes.

Then the Question was put whether they shall be allowed fifteen or twenty pounds of tobacco ꝑ Diem.

Resolved it be but fifteen pounds of tobacco to be paid by the County.

Ordered the Committee of Laws prepare the bill.

On a motion made that the Estates of Persons dying intestate within this Province leaving no legall representatives commonly fall into the hands of Some Creditor or Creditors who have no Manner of right to the residue from whom it is hardly to be got,

Resolved that a Supplementary bill be brought in to the act p. 60
for the better Administration of Justice in Testamentary affairs to appropriate the Residue of those Estates to the use of ffree schools.

The Question was put whether the residue of such Estates shall be Applyed as the Twenty Shillings ꝑ poll on Negroes and Irish Papists or be to the Sole use of the Counties where Intestates did Reside.

Resolved it be applyed as the twenty Shillings per poll on Negroes and Irish papists, by the Majority of Votes and ordered the Committee of Laws prepare the bill.

Col° Young from the Upper House delivers M^{r} Speaker the bill explaining the repealing law thus Endorst viz:

By the Upper House of Assembly
May the 26th 1719.

Read the first and second times and will pass with the following amendments which were made before the above mentioned act

Signed ꝑ Order John Beard Cl: Up: Ho:

Which was read again in this house with the amendments and past for Engrossing and Sent to the Committee of laws to be Engrost.

The Question was put whether the Act for Killing of Squirrills shall be repealed or not. Carried in the negative ꝑ the Majority of Votes.

L. H. J. Then the Question was put whether that bill shall be amended or Stand as it now is.

p. 61 Resolved it Stand as it now is by the Majority of Votes.

The house adjourns till one a Clock in the Afternoon.

The house meet according to adjournment.

Mr Speaker haveing Communicated to this house his Excellencys letter intimating his haveing made a peace with the Tuskarora Indians,

This house desires his Excellency would be pleased to make them a Small present of ten pounds Current money.

And Ordered the following Message be prepared viz:

By the lower house of Assembly
May the 26th 1719.

May it please your Excy

Mr Speaker haveing Comunicated to this house your Excellencys letter intimating your Concluding peace with the Tuskarora Indians,

This house returns your Excellency their hearty thanks for the great care you have hitherto taken in Cultivating and preserving a good friendship with the bordering Indians and also for makeing the present peace with the Tuskaroras, and desire your Excellency will be pleased to make them such a Present as your Excellency shall think proper which we are of opinion need not Exceed ten pounds Current money.

Signed p Order M: Jenifer Cl: Lo: Ho:

And sent to his Excellency by Mr Rousby & Colo Hyson

They return and say they delivered [it]

Ordered the following Message be prepared viz:

By the Lowr House of Assembly
May the 26th 1719

May it please your Honours

This house desires that some of the Members of your
p. 62 House may be Joined with some of the Members of our house to draw up the Addresses proposed in his Excellencys Speech and this houses Answer

Signed p order M. Jenifer Cl. Lo. Ho:

Which was Sent to the Upper House by Colo Mackall Mr Caldwell Mr Dashiel and Mr Beale.

They return and say they delivered it. L. H. J.

An Engrost bill for the Vesting and Setling an Estate of Inheritance in fee Simple of part of a Lot of land lying in the City of Annapolis to Robert Johnson Ship Wright was read and Ordered to be thus Endorst viz:

May the 26th 1719.

Read and assented to by the Lower House of Assembly &
Signed p Ordr M: Jenifer Cl: Lo: Ho:

An Engrost bill to confirm Land to Wm Gray, was read and ordered to be thus Endorst viz:

By the Lower House of Assembly
May the 26th 1719.

Read and assented to by the Lower House of Assembly.
Signed p Order M. Jenifer Cl Lo: Ho:

An Engrost bill to confirm a tract of Land therein mentioned to the Rector or Minister of St. John's Parrish in Baltimore County and his Successors for ever was read and ordered to be thus Endorst viz:

May the 26th 1719.

Read and Assented to by the Lower House of Assembly.
& Signed p Order M: Jenifer Cl: Lo: Ho:

An Engrost bill for the Encouragement of an Iron Manufacture was read and ordered to be thus Endorst viz:

May the 26th 1719 p. 63

Read and assented to by the Lower House of Assembly, &
Signed p Order M: Jenifer Cl: Lo. Ho:

All which four bills last above mentioned were sent to the Upper House by Colo Jowles and Mr Willmore.

They return and say they delivered them.

The Report of the Committee of Laws read and ordered to be Entred as follows viz:

By the Committee of Laws
May 26th 1719

We find that the Act of Assembly Entituled an Act for limitation of officers fees expired the last Assembly and that an act for regulating the Militia,

L. H. J. An act for Encouragement of tillage and relief of poor Debtors Will Expire unless reviv'd this Sessions.

Signed p order Vach Denton Cl. Com:

Bill for the better [supporting] the Magistrates in the Administration of Justice was read the first and Second times by especiall order and will pass by Majority of Voices

And sent to the upper house by Coll° Mackall and Maj^r^ Woollford

They return and say they delivered it.

Bill for disabling Thomas Macnemara Esq^r^ to practice the Law in this Province was read the first time. The Question being put whether it shall be read again by especiall order or referred till to morrow Carried in the affirmative. The Question being put whether the same shall pass or not, Carried
p. 64 in the Affirmative by the Majority of votes Thereupon this bill will pass

Sent to the Upper House by John Rousby Esq^r^ and Col° Mackall. They return and say they delivered it.

Esq^r^ Lloyd and Col° Tilghman from the Upper House delivers M^r^ Speaker the following Message, viz:

By the Upper House of Assembly
May 26^th^ 1719.

Gent. In answer to your Message by Col° John Mackall and three others this house has appointed Philemon Lloyd Esq^r^ and Col Rich^d^ Tilghman to Joyn Some of the members of your house and desire they will meet as a Committee in the Conference Chamber in the new building to morrow morning eight of the Clock on that occasion.

Signed p Order John Beard Cl: up: ho:

The house adjourns till to morrow morning eight a Clock.

Wednesday May 27^th^ 1719

The house meet according to Adjournment.

Yesterdays proceedings are read.

On reading that part of his Excellencys Speech relating to high roads the Question was put whether the following answer thereto shall be made or not viz: This house on debating that part of his Excellencys Speech relating to the publick roads finds that there are Severall Countys that at their own publick Charge have made and built and do now maintain as great Bridges and Causways as those that would be made over

Kent Marshes and Patuxent River at Queen Ann Town wherefore this house think it most reasonable that the particular Counties concerned should bear the Charges of makeing & maintaining their own roads and bridges and are likewise of opinion that the law as it now Stands if duly put in execution needs no Amendment. Carried in the Affirmative by the Majority of Votes. L. H. J. p. 65

As to the other part of his Excellencys Speech relating to taxables, Resolved a Supplement be added to the act for Appointment of Constables whereby the Constable shall be under a penalty of 500$^{\text{li}}$ Tobacco for neglecting to do his duty and every person refusing to tell the number of his Taxables or keeping any back shall be under a penalty of 500$^{\text{li}}$ tobacco for Each Taxable and that all Taxable persons Comeing in or that are in the Country by the first of June and not after for that year shall be deemed to be taxables.

That all warrants Issued by Justices of peace for the recovery of Small debts be directed to the Constables of the hundred except in case of inability or Absence of the Constable of the hundred unless any friend will Serve the warrant for the Party gratis.

That the Sherriff be Obliged to return to the Publick a true Copy of the List of Taxables under his own hand under the penalty of one thousand pounds of Tobacco And ordered the Committee of Laws prepare the bill.

Ordered that James Stoddert Esq$^{\text{r}}$ John Beale Esq$^{\text{r}}$ M$^{\text{r}}$ James Lloyd, M$^{\text{r}}$ Lee, and Cap$^{\text{t}}$ ffrisby Joyn the members of the Upper House Appointed to draw up the Addresses mentioned in his Excellencys Speech and the answer & Ordered The following Message be prepared viz: p. 66

By the Lower House of Assembly
May the 27$^{\text{th}}$ 1719.

This house has appointed James Stoddert and John Beale Esq$^{\text{rs}}$ M$^{\text{r}}$ Phillip Lee and M$^{\text{r}}$ James Lloyd and Cap$^{\text{t}}$ ffrisby to Joyn the members appointed by your house for the drawing up the Addresses, who are ready to Attend

Signed p order M: Jenifer Cl: Lo: Ho:

And Sent to the Upper House by the Gentlemen Appointed. They return and say they delivered it.

The house adjourns till one a Clock.

Post Meridiem.

The house meet according to Adjournment

L. H. J. Esq^{r} Hall from the Upper House Acquaints M^{r} Speaker That the following Engrost bills are read and assented to by that house viz:

[An Engrost bill to Confirm part of a Lott in Ann^{o} to Robert Johnson].

An Engrost bill to confirm lands to W^{m} Gray

An Engrost bill to confirm a tract of land lying in Baltemore County in S^{t} John's Parish to the Rector of the said Parish and his Successors for Ever.

An Engrost bill for the Encouragment of an Iron Manufacture within this Province.

And Delivers M^{r} Speaker the bill for the better Supporting the Magistrates in the Administracōn of Justice thus Endorst viz:

By the Upper House of Assembly
May the 27th 1719

Read the first and Second times and will pass with the amendments proposed.

p. 67 Signed p order John Beard Cl: Up: Ho:

And delivered the following Message viz:

By the Upper House of Assembly
May the 27th 1719.

Gent.

On a second reading the bill for the better Supporting the Magistrates in the Administration of Justice within this Province this house proposes the following Amendments to be made at the Severall marks therein viz:

1. Ministeriall officers or other persons.

2. Suspending such practitioners of the law from their practice perpetually or for a time or to punish such practitioners or Ministeriall officers or other persons.

3. Not exceeding four thousand pounds of Tobacco in the Superior Courts nor two thousand pounds of Tobacco in the Severall County Courts within this Province on each offender for any one offence.

With which if your house Concurrs the bill will pass.

Signed p Order John Beard Cl Up. Ho:

On reading the petition of M^{r} Joseph Hill and hearing the allegations as well of the said Hill as of Thomas Bordley Esq^{r} and Tho^{s} Larkin Gent.

The Question was put whether leave shall be given to bring in a bill as prayed or not. L. H. J.

Carryed in the Negative by the Majority of Votes There-upon the Petition is rejected.

The house adjourns till to morrow morning Eight a Clock.

Thursday May the 28th 1719

The house meet According to Adjournment.

Yesterdays proceedings are read.

The Question was put whether the Act for regulating the militia shall be amended or not.

Carryed in the Negative by the Majority of Votes. There-upon ordered that act be revived for three years and to the end of the next Sessions of Assembly after the three years. p. 68

Bill for the better Supporting the Magistrates in the Administration of Justice read with the Amendments Proposed and past for Engrossing. And sent to the Committee of Laws to be Engrost.

Bill for relief of Languishing Prisoners read the first time and ordered a Second reading to morrow morning and in the meantime to lye on the table for further Consideration.

A Supplementary bill to the Act for the Appointmt of Constables &c^{a} was read the first time and ordered a Second reading in the Afternoon.

Ordered that the Act for the encouraging Tillage and relief of poor Debtors be revived.

On reading the report of the Committee of Aggrievances referr'd from last Sessions against the Cutting of Intailes of Land

Ordered the Committee of Laws Prepare a bill to Prevent the like for the future. And that M^{r} Brannock be added to the Committee on that Occasion

The Petition of M^{r} Evan Jones relateing to the Post office is referred till next Sessions.

The house Adjourns till One a Clock in the afternoon.

Post Meridiem.

The house meet According to Adjournment

Supplementary bill to the Act for Appointment of Constables was read the Second time by especiall order and the Question being put whether the same shall pass as it now is or be amended, p. 69

L. H. J. Resolved it pass as it now is. Thereupon the bill will pass which was so Endorst and sent to the Upper House by M^r^ [Tyler] and Cap^t^ Frisby

They return and say they delivered it.

Ordered the Committee of Laws prepare a bill against buying Selling farming or giveing or takeing of Gratuitys for offices.

Ordered that the Committee of aggrievances inspect the Act for limitation of officers fees and make their report thereon to the house and ordered that Cap^t^ Codd Coll: Maxwell M^r^ Walter Smith Maj^r^ Emerson [&] Cap^t^ Colegate be added to the Committee.

The Bill to prevent the Cutting of Intailes within this province was read the first time and Ordered a second reading to Morrow.

The house adjourns till to Morrow Morning eight a Clock

Fryday Morning May the 29^th^ 1719

The house meet according to adjournment

Yesterday's proceedings are read.

Bill for the relief of Languishing prisoners read again & referred for further Consideration till next Sessions of Assembly.

Supplementary bill to the Act for causing Grand & Petit Jurors and wittnesses to come to the provincial & County
p. 70 Courts and Ascertaining their allowances was read the first and second times by Especial order and will pass, which was so Endorst.

Bill to prevent the Cutting off Entailes was read the Second time and will pass which was so Endorst.

A Bill reviving an Act of Assembly of this Province Entituled An Act for the ordering and regulateing the Militia of this Province for the better defence and Security thereof read the first and Second time by Especiall order and will pass which was so Endorst.

And sent to the Upper House by M^r^ Hill M^r^ Caldwell Major Phillips and M^r^ Wailes.

They return and say they delivered them.

Coll: Addison from the Upper House delivers M^r^ Speaker the Supplementary bill to the Act for Appointment of Constables Thus Endorst viz:

May the 29^th^ 1719

Read with the Amendments proposed and will pass.

Signed p Order John Beard Cl Up Ho.

And Delivers the following Message viz: L. H. J.

By the Upper House of Assembly
May the 29th 1719.

Gent.

On reading the Supplementary bill to the Act for Appointment of Constables and what relates to their office and Ascertaining what persons are Taxables this house Proposes the following Amendments to be made viz. And the better to Enable the Sherriffs of the Severall Countys to return Copys of the Lists of Taxables in Each County as aforesaid the Sev- p. 71
erall Constables of the Severall and respective hundreds in the Severall Countys are hereby required to send a Copy of their Lists of taxables to the Sherriff of their County at or before the first day of August after the takeing of such List.

And whereas it is found by Experience that there are many single Persons who are freemen within this Province who have not any setled place of Residence but make their abode at such places where they are Employed and such Employers refuse to give them in as taxables they not being Constant residents in their families, by which means they frequently Escape paying any tax at all,

Be it Enacted by the Authority advice and consent aforesaid That it shall and may be Lawfull for any Constable of any hundred in any of the Counties within this Province upon finding any Such Single person or freeman in their respective hundred, who cannot procure some housekeeper within such hundred to give him in as a Taxable nor make appear that he is a resident or taken as a taxable in some Other hundred or County to carry such person or freeman before the next Justice of the Peace for such County who is hereby Impowered and required to Comitt such person or freeman into the Sherriffs Custody untill he shall procure some housekeeper to return him as a Taxable and be Answerable for his Levy with which if your house concurrs the bill will Pass. p. 72

Signed p Order John Beard Cl: Up: House.

Esqr Lowe from the Upper House delivers Mr Speaker the Supplementary bill to the Act relating to Jurors Thus Endorst viz:

By the Upper House of Assembly
May the 29th 1719

Read the first and second times by Especial order and will pass.

Signed p Order John Beard Cl: Up: House.

L. H. J. Which was read again in this house and past for Engrossing.

And the Bill reviving the Act for regulating the Militia Thus Endorst viz:

By the Upper House of Assembly
May 29th 1719.

Read the first and second times by especiall Order and will pass.

Signed p Order John Beard Cl Up. Ho:

Which was read again in this house and past for Engrossing.

And sent to the Committee of Laws to be Engrost.

The house Adjourns till One a Clock in the Afternoon

Post Meridiem

The house meet According to Adjournmt

Mr Tyler from the Committee of Aggrievances Delivers Mr Speaker the following report of that Comittee viz: a Scheme
p. 73 of officers' fees proposed by the Committee. Thereupon the Question was put whether a bill shall be brought in or not. Carryed in the affirmative

Ordered the Committee of Laws prepare the bill accordingly.

An Engrost bill for Supporting the Magistrates in the Administration of Justice within this Province Read and Ordered to be thus Endorst Viz.

May the 29th 1719.

Read and assented to by the Lower House of Assembly.

Signed p Order M Jenifer Clk. L° H°

An Engrost bill explaining and declareing particularly what Laws were repealed by An Act entituled An Act Declareing all laws heretofore made which have been reenacted this Sessions of Assembly to be repealed and for reviving the Act for the relief of Ann Arundell County. Read & ordered to be thus Endorst viz:

May the 29th 1719

Read and Assented to by the Lower House of Assembly and Signed p order.

M. Jenifer Cl L° Ho.

And Sent to the Upper house by Cap[t] ffendall and M[r] Dent L. H. J.
They return and say they Delivered them.

Bill reviving An Act for Encouragement of Tillage Read the first and Second time by especial order and will pass and was so Endorst.

Bill for the application of such Intestates Estates as leave no Legall representatives and for enforceing proceedings against Temerary Administrators Read the first time and Ordered a Second reading tomorrow.

The house adjourns till to Morrow Morning eight a Clock. p. 74

Saturday May 30[th] 1719

The house meet according to Adjournment

Yesterdays Proceedings are read.

Bill for the Application of such Intestates estates as leave no Legal representatives and for enforceing proceedings against Temerary Administrators Read the Second time and the Question was put whether the widow shall have the Residue if no Collateralls after brothers' and Sisters children or not.

Carried in the Affirmative. Thereupon this bill will pass. Which was so Endorst and sent to the Upper House by Major Woollford and M[r] Walter Smith. They return and say they delivered it.

Supplementary bill to the Act for Appointment of Constables read with the Amendm[ts] and past for Engrossing. Which was so Endorst and Sent to the Committee of laws to be Engrost.

Esq[r] Hall from the Upper house delivers M[r] Speaker the following Message viz:

By the Upper House of Assembly
May 30[th] 1719.

Gent. In Answer to your Message of the 25[th] Instant by M[r] Codd and M[r] Smith his Excellency haveing declared to p. 75
this house that Coll: Lloyd Shewed him a Letter directed to the said Coll: Lloyd from Cap[t] John Hyde wherein was inclosed the opinion of the Lords Commissioners of trade whereby they set forth that the Severall Sums allowed him by the Publick for his Attendance as a Councellor dureing the time of his presidency was his right, And for that the said Lloyd is now Dead We think it reasonable his widow have time till the next Session to produce that opinion or make such other defence she shall think fitt Unless this shall be thought a

L. H. J. Sufficient Satisfaction. As to that part of your Message relating to M^r^ Rousby This house is of opinion that so much of the money Ariseing by that duty as has been Stopped for receivers Sallary, was Misapplyed, but that there was no other fund to Allow it out of Except Such as were also Appropriated And M^r^ Rousby haveing laid before us his accounts of that duty proved before the Governour and Council wherein he had Allowance of his Sallary we take it he is Sufficiently discharged by the Law. His Excellency is pleased to observe to this House that on his arrivall in this Country he found that his Predecessors in the Government had always allowed two
p. 76 receivers Generall for the Crown each the Sallary of one hundred pounds p Annum, and that some time after his Excellencys takeing it to be a hardship on the Country to pay so much money to two receivers when one was Sufficient to do the business On this observation John Dansey Esq^r^ was discharged, And John Rousby Esq^r^ Continued in the former manner with the aforesaid Sallary.

But when his Excellency on further examination found that M^r^ Rousby had no Other Commission as receiver than what was formerly granted to M^r^ Plater his predecessor in that Office He then advised that M^r^ Rousbys Office of receiver should be no longer continued, and that his Excellency allowed of that Sallary for Some time from the example of his predecessors in the Government and as a thing in Course.

Signed p Order. John Beard Cl: Up house.

Thereupon in respect to the Widow of the said Coll: Lloyd that affair is Dropt but it is the Resolution of this house that no person for the future that shall preside and have a negative Voice in the Government in the Absence of a Governour shall have the allowance of a Councellor dureing his Presidency.

And the Affair of M^r^ Rousby is also Dropt.

p. 77 Coll: Addison from the Upper House delivers M^r^ Speaker the Lord Guilford's recommendation of M^r^ Humphreys to his Excellency and his Excellencys recommendation of the said Humphreys to both houses of Assembly for the passing An Act for the Qualifying the said Humphreys to hold offices within this Province notw^th^standing his not being a Resident here three years with the following Message viz:

By the Upper House of Assembly
May the 30^th^ 1719.

Gent. We herewith send you what his Excellency has been pleased to lay before us in relation to M^r^ Humphreys and shall

Concurr with your house in what you think proper to do in his favour. L. H. J.

Signed p Order John Beard Cl Up. Ho

Whereupon the Recomendations aforesaid are read and ordered to be entered as follows Viz:

S^r^ Although M^r^ Lowe has Writ to you a great deal of my mind concerning M^r^ Humphreys, yet I won't Omit this opportunity to recommend him myself. He is a Gentleman for whom I have a great kindness, nay I may say friendship, and the better to show it I have given him my advice to pay you all the respect that is due to one upon whose favour he is intirely to Depend. I have directed him particularly not only to avoid the measures but even the Conversation of those who Oppose p. 78 you, and don't at all doubt but that a man of so good understanding as he is Master of, will pursue his true interest, which is to please you, and me at the Same time. I have been Very much Importuned to recomend M^r^ George Read to you, who is comeing to Maryland, which I do not for any particular thing, but as his future behaviour shall be.

I am Your most Humble Servant
Guilford

To John Hart Esq^r^
Lieutenant Gover^r^ of Maryland.

28^th^ May 1719

Gentlemen of the Upper and Lower house of Assembly

The circumstance of my health not permitting me to give my attendance in the Upper House as my duty and Inclination is to do, I am obliged in this manner to Signifye to you, That it is their Lordships Pleasure and request, a bill may be brought in to Qualifye M^r^ Humphreys (a particular friend to their Lordships) to hold any office or imployment notwithstanding he has not resided in this Province three years. Now the same favour haveing been shewn the late M^r^ Steele, I hope this will not meet with any Defficulty neither from the Upper nor Lower houses.

I herewith send you the Letter my Lord Guilford has hon- p. 79 oured me with in favour of M^r^ Humphreys wherein his Lordship is pleased to express himself in a manner so much to his advantage, that I Doubt not it will be very prevailing with both houses for the ready passing the bill desired.

Jo: Hart

L. H. J. Whereupon resolved the following Message be prepared viz.

By the Lower House of Assembly
May 30th 1719.

May it please your Honours We have considered your Message by Col: Addison of this day And also the Right Honourable the Lord Guilfords and his Excellencys the Governours recommendation of a law to be past in favour of Mr Humphreys and shall always be glad of an Opportunity of obliging either of them in the Service of their friends where it may be done without running Counter to the laws of the Country that have hitherto been well Approved but we find that the Only intention of the Act for the advancement of Natives and residents of this Province was to prevent those from offices that had interest enough to get them, for that those that had none needed not to have been provided against by a law and if those that have interest enough to get offices
p. 80 may as easily obtain a Despensation with that law in vain was it made nor do we find there has ever been above one such Instance thro: the course of any one Governours Administration, Which has been Already given in favour of Mr Steele, we therefore hope his Lordship and his Excellency will not take it amiss that we adhere Strictly to the Law as it now Stands and haveing as we conceive more of the Youth of the Country now Qualifyed for offices than formerly and a fair prospect of their increase by the care that is taken to propagate learning we are of opinion that whilst that Law is adjudged so usefull and necessary for the Province it ought not to be Dispensed with.

And therefore we cannot agree to the proposall.

Signed p order M. Jenifer Cl. Lo. Ho.

Sent to the Upper house by Major Emerson and Mr Beale.

They return & say they delivered it.

Bill for relief of Severall poor prisoners read the first and Second times by Especial order and will pass which was so endorst and Sent to the Upper house by Mr Rousby and Mr James Smith.

They return and say they delivered it.

Coll. Young from the Upper House Acquaints Mr Speaker
p. 81 that the Upper House has Assented to the Engrost bill for the better Supporting of the Magistrates in the Administration of Justice

And to the Engrost bill Explaining the repealing law.

Esq[r] Hall from the Upper House delivers M[r] Speaker the petition of John Hall Esq[r] praying to be relieved against the Judgment of the land Commissioners in Baltemore County in favour of a Certain James Lee with the following Endorsment viz: L. H. J.

By the Upper House of Assembly
May 30[th] 1719

On reading the within Petition and on examination had into the truth of the allegations therein set forth, This house is of the opinion that the petitioner is Aggrieved by the Decree of the Commissioners and that he ought to be relieved therefrom.

Signed p Order John Beard Cl Up. Ho.

W[ch] was read and ordered to be thus Endorst viz:

Read and referred till next Sessions and ordered that James Lee have notice thereof.

The house adjourns till one a Clock in the afternoon.

Post Meridiem

The house meet according to Adjournment

An Engrost bill for reviving an Act for the ordering and regulating the Militia of this Province for the better defence and Security thereof Was read and ordered to be thus Endorst Viz: p. 82

May 30[th] 1719.

Read and Assented to by the Lower House of Assembly and
Signed p order. M Jenifer Clk. Lo. House.

Supplementary Engrost bill to the Act for causing grand and Petit Jurors & Wittnesses comeing to the Provinciall and County Courts and Ascertaining their Allowances, Read and ordered to be thus Endorst Viz:

May the 29[th] 1719.

Read and assented to by the Lower House of Assembly
Signed p order M Jenifer Cl L° H°

Supplementary Engrost bill to the Act for Appointment of Constables and what relates to their office and ascertaining

L. H. J. what persons are taxables was read and ordered to be thus Endorst viz:

May 30th 1719.

Read and Assented to by the Lower House of Assembly and Signed p Order M. Jenifer Cl. Lo Ho

All which said three bills last aforementioned were sent to the upper House by Mr Tyler and Mr Brannock They return and say they delivered them.

Mr Lowe from the Upper house delivers Mr Speaker the bill for the relief of John Clements thus Endorst viz:

p. 83 By the Upper house of Assembly May 30th 1719.

On hearing John Clements the person in whose favour this bill is preferred and Likewise On hearing Roger Woollford and Jn° Rider Gent. Commissrs for Dorchester County on behalf of themselves and the Inhabitants of that County, It does not Appear that the said Clements has any right to the land therein mencōned but that for he alledges that the evidences who can prove his right are Sick particularly Mr John Kirk It is thought convenient by this house to deferr it till the next Sessions of Assembly for their further consideration.

Signed p order John Beard Cl. Up. H°

Which is referred accordingly.

On Motion made that the power of the Justices for the recovery of Small debts may be advanced to 500lb tobacco,

The Question was put whether it shall be 500lb of tobacco or Stand as it is.

Carried by the Majority of Votes that it be 500lb.

Then the Question was put whether it shall be 500lb tobacco or 600lb tobacco

Carried by the Majority of Votes that it be but 500lb.

Thereupon ordered that the Committee of laws prepare a Supplementary bill to the Act for the Speedy recovery of
p. 84 small debts with a proviso that the County Courts shall hold plea of all Accounts of trespass Actions of the Case for torts Actions of detinue and replevin be the damages therein how small soever And that the Justices have power of granting power of Supersedeas and that Small debts be discharged According to the Act for encourageing of Tillage And ordered Mr George Dashiel be added to that Comittee for that Occasion.

Coll: Ward from the Upper House delivers Mr Speaker the bill to prevent the cutting of Entailes within this Province. Thus Endorst Viz: L. H. J.

By the Upper house of Assembly
May the 30th 1719.

It is the Opinion of this house that the Laws of great Brittain have Already made Sufficient provision for what this Act seems to provide against.

Signed p Order John Beard Cl. Up. House.

Which was read and ordered the following Message be prepared viz:

By the Lower House of Assembly
May the 30th 1719.

May it Please your Honours

On reading your Endorsmt on the bill to prevent the cutting of Entailes this house are of opinion that the Laws of great Britain doe not Sufficiently provide against that evill As the Non obstante in that bill Doth. Wherefore it is desired that that bill may pass.

Signed p Order M. Jenifer Cl Lo. Ho

Which was sent to the Upper House with that Bill by Mr Tyler, Mr Hill Mr Codd Mr Edmondson, Mr Caldwell and Coll: Jowles. They return and say they delivered it. p. 85

Mr James Lloyd has the leave of this House to goe home for that there are no Justices of the Quorum in Talbot County to call a Court which is to be on Tuesday next otherwise that Court may fall.

Esqr Brook from the Upper House delivered Mr Speaker the following Message Viz:

By the Upper House of Assembly
May the 30th 1719.

Gent.

His Excellency being Indisposed at the time that the Supplementary bill to the Act for causing Grand & Petit Jurors and wittnesses to come to the Provincial and County Court and ascertaining their Allowances was passed by this house and not seeing it till Engrossed Recomended it to our further consideration the bill as it now is not Answering his Designe in first proposing the Amendment of it for the following reasons.

L. H. J. First it Appears that there is not a Sufficient penalty on the Sherr[s] for the due return of Juries especially to the Provinciall Court.

2[d] that there is no Provision for punishing Such as shall attempt to corrupt Juries or tamper w[th] them

3[d] that too many persons are excepted by the Law from being Jurymen.

p. 86 We Concurring with his Excellencys opinion in the Amendments referr it to the consideration of your house.

Signed ꝑ order. John Beard Cl. Up. Ho.

Coll: Young from the Upper House delivers M[r] Speaker Bill reviving an Act for the encouragem[t] of Tillage, thus Endorst Viz:

By the Upper House of Assembly
May the 30[th] 1719.

This bill being read will Pass with a Clause Added obliging the Debtor or person takeing advantage of this Law to declare upon oath before one of his Lordships Justices of the Provincial Court or two of the County Court that he hath not nor had at the time of his being taken in execution the particular Specie for which he was prosecuted and then under execution or any part thereof more than what he will pay to his creditor if he think fitt to accept of it. And that if any Such person so takeing advantage of that Act and purging himself upon Oath as aforesaid shall be convict of forswearing himself on that occasion he shall be Adjudged perjured and shall undergoe the like pains & penaltys as any person Convict of Willfull & Corrupt Perjury.

Signed ꝑ Order John Beard Cl Up. Ho.

p. 87 The house Adjourns till Munday Morning Eight a Clock

Munday June the 1[st] 1719.

The house meet According to Adjournment

Saturdays proceedings are read.

On Reading the reviving Bill for the Act for the Encouragement of Tillage and the Endorsment thereon, The Question was put whether the clause therein mentioned shall be added or not. Carried in the Negative by the Majority of Votes. Thereupon ordered the Same be thus Endorst Viz:

By the Lower House of Assembly June the 1[st] 1719

May it Please your Honours

On debateing your Endorsment on the within bill this house is of opinion that the bill Doth not need the amendments pro-

posed Wherefore we Desire the same may pass as it now L. H. J.
Stands.

Signed p Order M Jenifer Clk. Lo. Ho:

And Ordered the following Message be prepared Viz:

By the Lower House of Assembly June the 1st 1719

May it Please your Honours

In Answer to your Message by Esqr Brooke of Saturday last this house are of Opinion that the Act for causing Grand & Petit Jurors and witnesses to come to the Provinciall and County Courts &c. lays such a penalty on the Sherriffs to oblige them to return the best & most understanding freeholders in p. 88
their County to serve for Jurors as we dont find one Instance where the Sherriffs have been fined for Default therein. That the Statutes of England Sufficiently provide agt Maintenance and Embracery besides the penalty in that bill That only Magistrates delegates Coroners School-Masters, Overseers of highways and Constables during their Continuance in their respective Stations of business are exempt from attendance as Jurors by that Act Wherefore this house humbly desires that bill may be Assented to by your House as it now Stands.

Signed p Order M Jenifer Cl. Lo Ho

Which said bill and Message were Sent to the Upper house by Mr Rousby and Coll Hynson.

They return and say they delivered them.

Bill for limitation of officers' fees read the first and Second time by especial order & will pass which was so Endorst and Sent to the Upper House by Coll: Hynson and Eleven more.

They return and say they delivered it.

Coll Young and Esqr Hall from the Upper House deliver Mr Speaker the bill for disabling Thos Macnemara Esqr to practice the law in this Province with the following Message Viz: p. 89

By the Upper house of Assembly
June 1st 1719.

Gent.

On reading the bill for disabling Thos Macnemara Esqr to practice the law in this Province the following amendments are proposed Viz: at

1 which his Excellency thought himself Indispensibly obliged to do by his Majestys Royall instructions relateing to officers of the Customes within this Province.

L. H. J. 2 As by the said Severall Indictments Annexed may more fully Appear

The Indictments mentioned (the Copys whereof are to be Annexed) are herewith sent you, for your perusal with which if your house concurrs the bill will pass.

Signed p Order. John Beard Cl. Up. Ho.

Coll: Addison from the Upper house delivers M^r^ Speaker the bill reviving an Act for the encouragement of Tillage and relief of Poor Debtors thus Endorst Viz.

By the Upper house of Assembly
June the 1^st^ 1719

This house Looking upon the amendments proposed to be necessary on a debate thereon, Resolved this bill will not Pass with out the amendment aforesaid.

Signed p order John Beard Cl. Up. Ho

Thereupon the Question was put whether the bill shall be Amended Accordingly or not.

p. 90 Carried in the Affirmative.

And Acquaints M^r^ Speaker that the Upper House has assented to the Supplementary bill Engrost to the Act for Appointment of Constables.

The Question was put whether an Addition of 2000^lb^ tobacco shall be made by the Publick to the Rector of S^t^ Ann's parish over and above the usuall Allowance in consideration of his great charge in residing at the seat of Government for the service of the Publick.

Carried in the Affirmative by the Majority of Votes.

Thereupon Resolved that the Rev^d^ M^r^ Samuel Skippon, or the Rector of S^t^ Ann's Parish that shall be at the time of the Laying the publick levy be allowed his proportion of the said 2000^lb^ Tobacco for this year for the time he shall stay in the said Parish.

Philemon Lloyd Esq^r^ from the Upper House delivers M^r^ Speaker the following Message Viz:

By the Upper House of Assembly June 1^st^ 1719.

Gent.

On reading your Message of this day with the Act relating to Grand and Petit Jurors &c by M^r^ Rousby and Coll: Hynson we find that your house on an examination in the Secretarys
p. 91 Office might have seen Instances of Sherr^s^ being fined for not

returning Sufficient Jurors Particulary at a Prov[ll] Court held L. H. J.
the tenth day of September 1717 Abell Van Burkeloo high Sherriff of Cecill County John Stokes high Sherriff of Baltemore County and Nathaniel Wright high Sherriff of Queen Anns County were fined five hundred pounds of Tobacco Each for their defect in that particular as Appears by the Records of that Courts proceedings.

Wherefore we desire your house will take into your further consideration our Message of Saturday last by Esq[r] Brooke

Signed p order John Beard Cl. Up. Ho

Coll Tilghman from the Upper House delivers M[r] Speaker the bill to prevent Cutting of Intailes Thus Endorst viz:

By the Upper House of Assembly June 1[st] 1719.

This house is Still of opinion that the Laws of great Britain have so farr provided ag[t] Cutting off Entailes of lands as with Justice and reason Consist and therefore this bill will not pass.

Signed p order. Jn[o] Beard Cl Up. Ho:

An Engrost bill reviving An Act of Assembly of this province entituled an Act for Encouragem[t] of Tillage and relief of poor Debtors & for Supplying some defects therein read and ordered to be thus Endorst Viz:

June the 1[st] 1719.

Read and Assented to by the Lower House of Assembly &

Signed p order M. Jenifer Cl. Lo. Ho. p. 92

And sent to the Upper House by Col: Woollford and Coll: Phillips.

They return and say they delivered it.

Esq[r] Brooke and five more from the Upper House delivered M[r] Speaker the bill for Limitation of officers' fees with the following Message Viz:

By the Upper House of Assembly June the 1[st] 1719

Gent.

On reading the bill for limitation of Officers fees, his Excellency is pleased to observe that my Lord Baltimore Designes to come to this Government here, and his Excellency not having any particular Instructions from his Lordship relating to Such An Act which makes so Vast an Alteration in the Severall Great offices in this Province, desires that nothing May be

L. H. J. done therein but that the Act as it now Stands may be Revived till the 29th of September 1720 his Lordship being then of Age. To which this house agrees

Signed p Order John Beard Cl Up. H°

Thereupon ordered the following Message be prepared Viz:

By the Lower House of Assembly
June the 1st 1719.

May it Please your Honours

In Answer to your Message by Esqr Brook and five other
p. 93 members of your house We are heartily Sorry to find that his Excellency has not instructions to enable him to Concurr with us in the regulation of officers fees according to the bill prepared for that purpose. We finding that the officers fees as Stated by the late Act are so great an Oppression to the Inhabitants of this Province that we rather incline to be without a law for that purpose till the Arrivall of the Lord Proprietary Than any longer to Groan under such hardships Therefore referr it to your Honours consideration to concurr with us in the bringing in the bill by us proposed.

Signed p order M Jenifer Cl Lo. ho

And Sent to the Upper house by Mr Lee and fifteen more.

They return and say they delivered it.

Col° Ward from the Upper house acquaints Mr Speaker That an Engrossed bill reviving an Act for the regulating the Militia is read and assented to by that house And the Engrossed bill reviving an act for the Encouragment of Tillage and relief of poor Debtors.

This house adjourns till Eight a Clock to Morrow Morning.

Tuesday June the 2d 1719

The house meet According to Adjournment

Yesterdays proceedings are read.

Ordered the following Message be prepared Viz:

p. 94 By the Lower House of Assembly June the 2d 1719.

May it Please your Honours

We find that the Instances given by your Honours Message of yesterday by Philemon Lloyd Esqr on the Engrost bill relateing to Jurors Sufficiently evince the Efficacy of the Provision already made for the returns of Jurors for that althô the law directs that the Sherr shall be fined 1000ll tobacco for

their Defaults therein yet the Provincial Justices in the In- L. H. J.
stances given found one half that Sume a Sufficient Penalty and fined these Sherriffs no more thô it ought to have been by law 1000ll tobacco And therefore pray that Since the paper bill has past your house the Engrost bill may be now assented to as proposed especially Since the use of it in Some particulars seems to be allowed of by your House

Signed p Order M Jenifer Cl. L° Ho.

And sent to the Upper house by Mr Caldwell and three more.

They return & say they delivered it.

Supplementary bill to the Act for the Speedy recovery of small debts out of Court before a Single Justice. Was read and the Question being put whether it shall pass or not,

Carried in the Negative.

Coll: Young from the Upper house acquaints Mr Speaker p. 95
that the Upper House has assented to the Engrost Supplementary bill to the Act relating to Jurors. And delivers Mr Speaker the bill for the application of such Intestates estates as leave no legall representatives. With the following Message viz:

By the Upper House of Assembly June the 2d 1719

Gent.

On reading and considering the Bill for the application of such Intestates estates as leave no legall representatives, We find that the paragraph therein which makes a provision for Widows excludes all relations after brothers and Sisters children from inheriting any part of the Intestates estate, which we think unreasonable and Contrary to the Act of Assembly provided for the better Administration of Justice in Testamentary affairs It is therefore thought necessary that the paragraph in this Act should be made agreeable to that act which is Agreeable to the Laws of England with which amendments it will pass.

Signed p order John Beard Cl. Up. Ho:

Whereupon ordered the following Message be prepared Viz:

By the Lower House of Assembly June 2d 1719.

May it please your Honours

We have considered the Act of Assembly & the Statute of Charles the 2d for Distributions and find thereby that no Collateralls are admitted after brothers and Sisters Children con- p. 96

L. H. J. sequently the Widow having right to the Administration of Intestates estates no relation of more remote Degree can be Qualifyed to call the residue out of her hands by those Laws.

We therefore conceive the bill as proposed is agreeable to the laws of great Britain and that the Amendment proposed would be repugnant thereto.

Signed p Order M. Jenifer Cl. Lo. Ho

And Sent with the Bill aforesaid to the Upper House by M^r^ Beale and M^r^ Dare.

They return and say they Delivered it.

Bill to prevent the buying and Selling of Offices and to prevent Corruption in Officers

Read the first and second times by especial Order & will Pass which was so Endorst and sent to the Upper House by Cap^t^ Codd and M^r^ Parry

They return and say they delivered it.

Ordered that M^r^ Philip Lee M^r^ Charles Wright M^r^ Edmond Benson and Cap^t^ Rich^d^ Colegate be a Committee to View and Inspect the publick Records and make their report thereon to the house.

And ordered the foll: Message be prepared Viz:

By the Lower House of Assembly June the 2^d^ 1719.

p. 97 May it Please your Honours

This house desires that Some of the Members of your House may be Joyned with M^r^ Phillip Lee M^r^ Charles Wright M^r^ Edmond Benson and Cap^t^ Richard Colegate in a Committee to inspect the publick records that the Severall officers may give Security According to the direction of the Act for repairing the records & on the report that shall be made by that Committee.

Signed p Order M. Jenifer Cl L^o^ Ho.

And Sent to the Upper House by M^r^ Wright M^r^ Benson and M^r^ Colegate.

They return and say they Delivered it.

The house Adjourns till one a Clock in the afternoon.

Post Meridiem.

The house meet According to Adjournment.

The Petition of Thomas Hynson Wright on the behalf of John Courseys heirs praying leave to bring in a bill to Confirm

James Courseys will was read and ordered to be thus Endorst Viz. L. H. J.

By the Lower House of Assembly
June 2d 1719

Read and referred till next Sessions and ordered the parties concerned have notice thereof with leave to Summons evidences.

Signed p Order. M. Jenifer Cl Lo Ho.

Ordered that Coll: Hynson Majr Emerson & Majr Woolford view the Bricklayers & Labourers work done to the Wall, works and Pillars on the Stadt house hill and make their report thereon to the house. p. 98

An Engrost bill for the disabling Thos Macnemara Esqr to practice the law in this Province was read and Ordered to be thus Endorst Viz.

June 2d 1719

Read and assented to by the Lower House of Assembly &
Signed p Order M Jenifer Cl. Lo. ho.

And sent to the Upper House by Mr Philips and Mr Turbutt.

They return and say they delivered it.

Esqr Hall from the Upper House delivers Mr Speaker the bill for the Application of such Intestates Estates as leave no Legal representatives with the following Message Viz.

By the Upper House of Assembly June 2d 1719

Gent.

On reading your Message by Mr John Beale and Mr Dare with the bill for the application of such intestates Estates as leave no Legal representatives We propose the following Amendments to that bill Viz: Instead of (after [brothers] and Sisters Children) the Words (other than those directed by An Act of Assembly of this Province Entitled an Act for the better Administration of Justice in Testamentary Affairs &cª) with which this bill will pass. p. 99

Signed p Order John Beard Cl: Up: Ho:

Whereupon the bill was Amended accordingly and read again with the Amendments and past for Engrossing And Sent to the Committee of Laws to be Engrost.

L. H. J. Coll: Young from the Upper House delivers M^r^ Speaker the following Message Viz.

By the Upper House of Assembly June the 2^d^ 1719.

Gent. In Answer to your Message in the forenoon by M^r^ Charles Wright and two others, this house has appointed Col Samuel Young and Philemon Lloyd Esq^r^ to Joyn with the Members of your house you therein Mention in a Committee to inspect the publick records, who will be ready to attend on that Service in the Secretarys office in the Stadt house to morrow Morning Seven of the Clock

Signed p Order. John Beard Cl: Up: Ho.

Esq^r^ Hall from the Upper House delivers M^r^ Speaker, Bill for relief of John Beale with the following Message viz:

By the Upper House of Assembly June 2^d^ 1719.

Gent The bill for relief of John Beale of Charles County being read the first and Second times will pass Leaving out the clause Enabling him to prosecute for his Costs and Damages.

p. 100 Signed p Order John Beard Cl Up. Ho

In Answer to Which the following answer was prepared Viz:

By the Lower House of Assembly June the 2^d^ 1719

May it Please your Honours

We have considered your Message with the Bill for relief of John Beale & conceive the clause to enable him to maintain An Action for his Damages is only to remove some Doubts that have been occasioned meerly by his Oppressive and Injurious treatment and that should he Suffer in this part meerly thro his want of Ability to Maintain his right when first disputed, it would be so farr giving his opponants advantage of their Own Wrong as seems not agreeable to the Justice of the Legislature nor the equity of this Cause. We therefore Unanimously desire your Honours for Justice Sake to Concur w^th^ us in the passing the bill as proposed.

Signed p Order M Jenifer Cl. L° Ho.

And Sent to the Upper House by M^r^ Parry and M^r^ Laramore.

They return and say they Delivered it.

The house adjourns till to Morrow Morning Eight a Clock.

Wednesday June the 3d 1719 L. H. J.

The house meet According to Adjournment

Yesterdays proceedings are read.

Coll: Addison from the Upper House delivers Mr Speaker p. 101
the bill for the relief of Severall poor prisoners thus Endorst Viz:

By the Upper House of Assembly June 3d 1719

Read and will pass with the following Amendmts in that part relateing to Christopher Bateman Viz: at × the words (Enjoyned the aforesd Samuel Lyle)

Signed p Order John Beard Cl Up. Ho

Which was read with the amendments proposed and past for Engrossing and sent to the Committee of Laws to be Engrost.

The Question was put whether a Bill shall be brought in obliging those who shall purchase any Convicts imported into this Province to give Security for the good behaviour of such Convicts

Carried in the Affirmative by the Majority of Votes. And then the Question was put whether the bill shall be to take place this Sessions or not.

Carried in the affirmative by the Majority of Votes And ordered the Committee of laws prepare the bill.

Supplement to the Act relateing to Servants and Slaves. Read the first and Second time by Especial order and will pass which was so Endorst.

An Engrost bill for the destribution of Such Intestates estates as leave no legall Representatives. Read and Ordered to be thus Endorst Viz:

June the 3d 1719 p. 102

Read and Assented to by the Lower House of Assembly and

Signed p order M. Jenifer Clk. L° Ho

Both which bills were sent to the Upper House by Mr Earle and Mr Waughop.

They Return and say they delivered them.

Bill for Securing the peace of this Province agt the Villainies of Imported Convicts Read the first time and ordered a Second reading in the Afternoon.

The Comittee of laws bring into the house the report of their Sentiments on the Opinions of the Lawyers in great Britain

L. H. J. on the Act for better Supporting the Magistrates in the Administration of Justice within this province and for disabling Thoˢ Macnemara Esqʳ to practice the Law therein which was read and ordered to be Entered as follows Viz:

By the Committee of Laws
May the 22ᵈ 1719

In pursuance of an Order of the 19ᵗʰ Instant We have considered the opinion of the lawyers in Great Britain in Respect to the Act for the better Supporting the Magistrates in the Administration of Justice within this Province and for the disabling Thoˢ Macnemara Esqʳ to practice the law therein But find it Necessary to make some remarks on the Manner of
p. 103 the Stating the case in relation to the Act of Assembly on which their opinions were required.

And ffirst We observe Thoˢ Macnemara Esqʳ is Suggested to be a Barrister at Law without taking the Least Notice of his practiceing in the Courts here as an Attorney, then he insinuates that he was never Call'd upon or Summoned to Appear before the Assembly to answer any charge against him, but that the Act was carried on with so much Secrecy that he had not Opportunity of Justifying himself.

We observe that the facts he Stands charged with in the Preamble of that Law were so notorious that they need not inquiring into, And as to the Secrecy he mentions with which the Act was carried on, It is well known to the Province it is not Only Impracticable but almost Impossible. And in pursuing this State of the case he Ownes it was not such but that he had Notice thereof, and Petition'd to be heard agᵗ the Bill. He further proceeds to insinuate that no order was made upon his Petition but after the Assembly was prorogued the Clerk returned it without any Answer, Where we note he twice mentions (the Assembly) seeming willing to be Understood (the General Assembly) whereas it was to the Lower House only that he Applyed and not to them till after it had been some days before them
p. 104 and the Engrost bill had past that house, so that it would have been Unparliamentary for the lower House then to have Entred upon a debate of that Matter; But it Sufficiently Appears he had early notice Enough to have Applyed himself to the Upper House who could have relieved him if he had shown any cause for so doing or to his Excy the Governour who had a Negative Voice in the passing thereof his omitting to do which Argues either his Sense of Guilt or his resolute obstinancy. In the second paragraph thereof he alledges the Generall Insinuations contained in the preamble are in them-

selves Groundless and that his Greatest Enemyes have not L. H. J.
been able to prove any undue or unfair practice against him. Upon which State M^r^ Hungerford gives his Opinion that the Act seems to be Arbitrary and unjust and that it ought to be Examined into, and if it proves as represented (to witt Groundless and that no undue or unfair Practice could Ever be proved ag^t^ him) there Ought to be some redress.

Serjent Pengelly That the passing the Act without hearing M^r^ Macnemara is Contrary to the Common Rules of Justice and a Denyall of the Subject's right That the Nature of the p. 105
Act being Unprecedented and Severe ought to be reexamined and dissented to if it Appear Unjust as is represented and that the Matters Suggested ag^t^ M^r^ Macnemara are not of themselves Sufficient to incapacitate him.

S^r^ Edward Northey. That M^r^ Macnemara Ought to have been heard and that the allegations of the Act are too Generall and that the being of Council for Malefactors, the Council behaveing himself with Duty and respect to the Courts is not to be Objected against him, But that if a practitioner behave himself disrespectfully or insolently to any Court in Court such Court hath power to record the Words which make the offence and to Suspend the offender from practice in Such Court and if the Offender be Ordered to Submitt to the Court and begg pardon for his offence, and he refuse so to do, or the offence be extraordinary or repeated, the Court may deprive the offender of his practice in that Court and if such records be made in Severall Courts, or if he be Convict of offences against the Courts and he refuse to Submitt or be generally insolent, and misbehaving himself to the Courts of Justice, and his offences Multiplyed it will be Just and Reasonable for the Assembly on hearing such offender or giveing him Opportunity of being heard and haveing Satisfaction of his Guilt for the Quiet administration of Justice and the Supporting of the Courts by Act of Assembly to make him Uncapable to practice any more in any Court within that Island.

On Which we remark that if that Act had Appear'd ground- p. 106
less and the Allegations therein as false as represented by the State of the Case we should agree with the opinions of those Learned Council that the Act ought to have been dissented to, but as it Appeared Otherwise to us who knew the facts, and the Contrary did not appear to them, We take it that their Opinions in that point were in favour of the Law which were only given against it on the Condition of its falsity. That by Sergeant Pengelley's Opinion the Matters Suggested in that act are not Sufficient to Incapacitate M^r^ Macnemara, which Matters are these Viz: Contemning the Au-

L. H. J. thority and affronting the persons of the Judges he pleaded before, Dureing a Special Court of Oyer & Terminer to proceed against criminals for drinking the Pretenders health and audaciously Cursing his Sacred Majesty King George and for fireing the city Guns on the Supposed birthday of the Pretender. His Publickly affronting the Chancellor in the Execution of his office, And thô ordered by the Right Honourable the Lord Proprietor to make his reasonable Submission willfully declineing it. His being so turbulent and insolent a person that the Judges would not Sitt if he was Suffered to plead before them. His being often Suspended on his Misdeeds and readmitted on his fair promises of Amendment, Yet still persisting in his like insolent behavior &c[a] As Appears more at
p. 107 large by the Act and the representation of the Magistrates against him. Yet we find in Moore's Reports page 827 by the Opinion of my Lord Chancellor in his Speech to S[r] Henry Mountague Chief Justice of the Kings bench in King James the first's time wherein he Directs him to admonish, to reprehend and to Correct Lawyers that observe not that Discretion and duty which becomes them and that if he found a threatening way of pleading in any babbling and Tumultuous Lawyers, he should not only Injoyn them Silence but Sequester them from their practice and Exercise before him if he Saw cause, but Still with that care and respect that the Clyents cause should not be prejudiced.

And by Other books as well as by the Middle parragraph of S[r] Edward Northeys Opinion, those Matters Appear to us to be a Sufficient Cause for Suspending such a practitioner from his practice, any thing in the said Serjeant Pengellys opinion to the Contrary thereof in anywise Notwithstanding.

That we do not find this Act Liable to the Imputation of the Severity, being Conformable to the said Lord Chancellor's directions as to the Substance of it both in Suspending the Lawyer, and regarding his Clyents causes (as was the said Macnemara's Suspencõn in the Chancery Court exactly conformable to S[r] Edward Northys Opinion) but if it were unpresedented as to the Manner of passing it, so is the Manners of the man it Affects

p. 108 As to S[r] Edward Northey's opinion that the Allegations of the Act are too Generall We humbly offer that it seems to us as if he took the Legislative Body of this Province to be a Grand Jury, and the Act to be a Bill of Indictment by them found to which he takes exceptions for incertainty.

But we are humbly of opinion that the allegations in a law need not be so particularly and certainly Exprest as in an Indictment, And we hope there is some further dependance to

be had on the Justice of a Legislative than on the Proceedings of Every Inferior Court. L. H. J.

As to the procedure being Contrary to the Common rules of Justice We take it that a legislative Body is not Tyed to Common rules, for that if the thing done be Just, they may make new rules or Dispense with old ones as to the Manner of doing it

It is likewise our humble opinions that when a Council Pleading for malefactors dares the Court he pleads before to proceed against them, it is not behaveing himself with that duty and respect that Sir Edward Northey mentions.

We are likewise humbly of opinion that the Courts are the Proper Judges to censure the behaviour of their Own officers p. 109
and it Appears that those Courts wherein M^r^ Macnemara practic'd condemn'd this, And as it Seems out of a diffidence of their own power, because of an order of her late Majesty Obtain'd for his pleading, pray'd the Legislature in aid, many of the members whereof were Judges in those Courts wherein he pleaded and personally privy to his ill Conduct complained of, and were only unwilling to Subject themselves to the weight of his resentments by Suspending him without Any Act We think the legislature could do no less than make a law to Support them in this behalf. If then he ought to have been heard, it ought not to have been Ex Parte, if not so, then the Courts would have been drawn into Contest about that matter of which we think they are Judges. But if this legislature has it not in their power to redress their Countrys grievances and remove Nuisances (and they have found him both) if this man must be Supported in his Practice in Spight of Courts and Countrey, and that that be thought more Reasonable than to Support his Lordships Authority in the persons of his Magistrates against him, Especially considering that there is no Encouragement by fees or pensions for those that Serve as Judges And that it is a great burthen to those that do, and that every one that is Qualifyed will endeavour to avoid those Stations if they must either tamely Submitt to affronts, or draw themselves into tedious and Chargeable contests by their acting in them, We are not then so happy in our Constitution p. 110
as we hop'd we had reason to believe for (pardon the expostulation) what Impartiality can there be in Judges where if they oblige not the resenting Council pleading before them, they are Sure to be Abused or Affronted by him, or become the object of his revenge. Is it not then necessary for the legislature to interpose where the honour of his Lordships Government the Support of his Magistrates in the Administration of Justice and the Peace and Quiet of the Countrey are so nearly

L. H. J. concern'd? Can the Opinions of the aforesaid Learned Council be more considerable in An Aggrievance complained of by the Countrey than the Judicial proceedure of the whole Legislative body of it who voted in that Law and past it on three or four Severall readings Nemine Contradicente.

All w^ch^ is referred to the house by the said Committee.

Signed p Order Vach Denton Cl

With which this house Concurrs.

The house adjourns till one a Clock in the Afternoon

Post Meridiem.

The house meet According to Adjournment.

Coll. Tilghman from the Upper House Delivers M^r^ Speaker
p. 111 the bill for limitation of officers' fees w^th^ the following Message Viz:

By the Upper House of Assembly June 3^d^ 1719

Gent.

By your Message of the first Inst^t^ you insist that we Concurr with you in regulating Officers fees as proposed in your bill. We again Acquaint you that it is our opinion that the proper time for that affair will be when his Lordship is of Age, and is personally here (as we are informed he intends to be) for then we Can argue the reasonableness of things, And whatever is done will be Lasting Whereas if any thing be done now, It will be Lyable to the Exceptions of interested persons and so our Labours become fruitless. Besides we have no reason to hope that his Excellency can allow of anything that may be done at this time from the reasons he gives in our Message of the first Instant

Gent. Thô we are of Opinion with you that some offices are grievously burthensome and want a regulation, Yet we think it improper to enter upon it at this time, for the reasons abovesaid, And therefore recommend it to your Serious consideration to bring in a bill to Continue the Act relating to Officers' fees for so short a time, rather then by leting [it] Drop Involve the Countrey in Deficultys the consequence whereof we are not able to Determine.

Signed p Order. John Beard Cl Up House

p. 112 Thereupon the Question was put whether the old Act shal be revived for a short time or not.

Carried in the Negative and ordered the following Message be prepared Viz: L. H. J.

By the Lower house of Assembly June 3^{d} 1719

May it Please y^{r} Honours

This House haveing fully debated your Message on the bill for limitation of officers ffees by Coll: Tilghman of this day are resolved to Adhere to their former Opinion not to revive the old Act for limitation of officers fees And therefore again desire your concurrence with us in passing this bill.

Sign^{d} p order M: Jenifer Cl L^{o} Ho.

And sent to the Upper house with the Bill by M^{r} Tyler and M^{r} Wright

They return and say they delivered them

The bill for Securing the Peace of this Province against the Villainies of Imported convicts. Read and the Question being put whether It shall take Effect Immediately this Sessions or not till Six Months hence,

Carried by the Majority of Votes that It take effect immediately, Whereupon this bill will pass which was so Endorst and Sent to the Upper House by M^{r} Dashiel and M^{r} Waughop.

They return and say they Delivered it. p. 113

Coll: Ward from the Upper House delivers M^{r} Speaker the Supplement to the Act relateing to Servants and Slaves thus Endorst Viz:

By the Upper House of Assembly June the 3^{d} 1719.

Read the first and Second times by especial order and will Pass.

Signed p Order John Beard Cl. Up. Ho.

And Acquaints M^{r} Speaker the bill for the Application of such Intestates estates as Leave no Legal representatives And the bill for disabling Thomas Macnemara Esq^{r} to practice the Law in this Province are read and Assented to by that House.

Supplement relateing to Servants and Slaves read again and past for Engrosseing And Sent to the Committee of Laws to be Engrost.

The report of the Committee Appointed to View the walks walls & Pillars of the Stadt house hill was read and ordered to be Entered as follows Viz.

To the Honourable the Lower House of Assembly. In pursuance to the order of this house we have Viewed the Publick

L. H. J. Work on the Stadt house hill done to the Wall Works and pears and find that his Excellency has Agreed with the Bricklayer Viz: Thomas Cook for the work done next the Magazine for thirty pounds which we are of opinion is one third part
p. 114 of the work so that the whole Brick work will Amount to Ninety pounds which with the addition of the thirty pounds for the two peers will be Sufficient for the whole Which is Submitted to the house by,

Nath[l] Hynson
Tho[s] Emerson
Roger Woollford

With which this House Concurrs.

M[r] Lee and M[r] Parry have the Leave of the house to goe home.

Esq[r] Hall from the Upper House Delivers M[r] Speaker the bill for the Securing the Peace of this Province against the Villainies of imported convicts thus Endorst Viz:

By the Upper House of Assembly June the 3[d] 1719

It will pass with the Amendment that a clause be added that it shall not take place till twelve Months from the end of this Sessions.

Signed p Order. John Beard Cl Up ho

Thereupon the Question was Put whether the bill shall pass with the Amendments Proposed or whether the limitation of time be for Six months Only.

Resolved it be Six Months and ordered the following Message be prepared Viz:

By the Lower House of Assembly June the 3[d] 1719

May it Please your Honours.

We conceive that there is no Necessity for allowing twelve
p. 115 months for this Act to take place it no ways relating to trade but is merely for preserving the Peace of the Province which will be so much endangered by such Convicts that if the peace be not more early Secured against them We doubt many of the Honest inhabitants will be glad to Quit their Settlements here that they may Live more Secure in some Other part of the World amongst honester Neighbours. We therefore pray your Honours concurrence that if the bill may not pass as at first Proposed that at least it may take place in Six Months.

Signed p Order. M. Jenifer, Clerk Lo. House.

And sent to the Upper House by Cap[t] Codd and M[r] Clark. L. H. J.
They return and Say they delivered it.

M[r] Hill from the Committee of Accounts delivers M[r] Speaker the Journall of that Committee.

Coll: Addison from the Upper House delivers M[r] Speaker the bill to prevent the buying & Selling of offices, thus Endorst Viz.

By the Upper House of Assembly June the 3[d] 1719

Read & will pass with the Amendments proposed.
Signed p order John Beard Cl. Up. H°.

And the following Message Viz:

By the Upper House of Assembly
June the 3[d] 1719

Gent. On Reading the bill against buying and Selling of offices and to prevent Corruption in officers This house Pro- p. 116
poses the following Amendment Viz. at × (to the Prejudice of his Lordships Secretarys in Great Britain or their Deputy for the time being, Residing here, or any Other Superior officer who has his Commission Immediately from his said Lordship or) with which if your house Concurrs the bill will pass.

Signed p Order John Beard Cl Up. House.

Thereupon resolved the following Message be prepared Viz:

By the Lower House of Assembly, June the 3[d] 1719.

May it Please Your Honours

We take the Amendment proposed to the bill against buying and Selling of offices &c[a] to be Such as would in a Manner defeat the whole bill, which we think so very necessary for the well fare of this Province and so agreeable to the Statutes of the 5[th] and 6[th] of Edward the 6[th] and of the first of W[m] and Mary that we must pray your Honours Concurrence with us that the bill may pass with a proviso that it shall relate only to such offices or officers as shall be hereafter granted or appointed and to such Deputations as shall be hereafter made.

Signed p Order M: Jenifer Cl: Lo: Ho.

Which was sent with the bill therein mentioned to the Upper p. 117
House by Cap[t] Jones and Cap[t] ffendall.

They return and say they delivered them.

On Reading the Petition of the City of Annapolis,

L. H. J. Resolved that the sume of Six pence a night be paid by all foreigners to the Corporation, for horse Pasturage for their use, and M^r^ Beall M^r^ Mariarte and M^r^ Warfield are Appointed to see that the Gate keeper performe his Duty, and upon neglect of his Duty that they turn him out and Appoint a new one.

The house adjourns till to Morrow Morning Eight a Clock.

Thursday June 4^th^ 1719

The house meet According to Adjournment.

Yesterday's proceedings are read.

Ordered that his Excellency the Governour be allowed by the Committee for laying the publick levy the Sume of One hundred and twenty pounds Current money to be by his said Excellency paid to the Bricklayer on the finishing the publick work on the Stadt house hill According to the Report of the Committee.

Engrost Supplement to the Act relating to Servants & Slaves read and ordered to be thus Endorst Viz:

June 4^th^ 1719.

Read and Assented to by the Lower House of Assembly and
Signed p order M. Jenifer Cl. L° H°.

p. 118 And sent to the Upper House by M^r^ Crabb and M^r^ James Smith.

They return and say they Delivered it.

Esq^r^ Hall from the Upper House delivers M^r^ Speaker, bill for Limitation of officers fees with the follow: Message Viz:

By the Upper House of Assembly
June the 4^th^ 1719

Gent.

On reading and Considering your Message by M^r^ Robert Tyler and M^r^ Charles Wright relating to the bill for the regulation of officers fees We cannot but think you too possitive in Resolving to deprive the Country of the benefit of the former law made for that purpose (which we cannot but think has been very usefull in restraining the Severall Officers from charging and extorting excessive fees and making them Lyable to a prosecution and penalty for so doing) rather than Admitt of a Regulation of that bill now proposed by you, We are of opinion as well as you that some of the fees Allowed Severall officers by the former Law are too highly rated and may be reduced, but we think that the Regulation Proposed

in your bill does so much abridge the perquisites of some of L. H. J.
those offices as not to afford a Sufficient Support for the Char-
acter and Stations of the persons who execute them, Besides p. 119
we conceive we should make but a very ungratefull return to
his Lordship and our Governour for the Many favours we
acknowledge to have received from them if we should at once
so Extravagantly lessen the revenues of those offices which are
their Immediate dependance, and as we are a part of the Legis-
lature for this Province We think we have a right to interpose
our Opinions and that such a regulation would have been
much more properly made by a Joynt Committee Consisting
of some of the members of both houses. In fine Gentlemen we
hope we have the Interest of our Countrey at Heart as much
as you and in Discharging our Dutys believe we ought not
to oppress the poor nor do Injustice to the rich, but to pay a
Just regard to all Degrees of men by divine providence estab-
lished amongst us, but if notwithstanding what we now offer
you resolve neither to revive the old Law nor admitt a more
Moderate regulation of the new one by you proposed, We
doubt not but that the Evill consequences which must neces-
sarily follow such a resolution will be Imputed to you and not
to us, who resolve not to pass that bill as it now Stands.

Signed ꝑ Order John Beard, Cl Up Ho.

Then the Question was put whether a Conferrence should
be Agreed to as desired or not. Carried in the Affirmative by p. 120
the Majority of Votes.

In answer to which the following Message was prepared
Viz:

By the Lower House of Assembly June the 4th 1719.

May it Please your Honours.

We have considered your Message of this day ꝑ Esqr Hall
with the bill for limitation of officers' fees, and thô this house
are not willing to consent to the reviving the old Act Yet they
are willing that such of the Members of your house as you
shall think fitt to Appoint may be Join'd wth some of the Mem-
bers of this house in a Conferrence for a necessary regulation
of those fees.

Which if your house agrees to we Desire the Gentlemen
may be Appointed that they may proceed thereon this Morning

Signed ꝑ Order M Jenifer Cl. Lo: Ho.

And Sent to the Upper House by Mr Beall and Mr Wright.
They return & Say they delivered it.

L. H. J. Journall Committee of Accounts Read and ordered to be thus Endorst Viz:

June the 4th 1719.

Read and assented to by the Lower House of Assembly &
Signed p order M. Jenifer Cl: I.° H°

p. 121 And Sent to the Upper House by Mr Hill and the rest of the Gentlemen of that Committee.

They return and say they delivered it.

Coll: Young from the Upper house delivers Mr Speaker the bill for the relief of John Beale thus Endorst Viz:

By the Upper House of Assembly June the 4th 1719.

Read and will Pass.

Signed p Order John Beard Cl. Up. Ho

which was read again and past for Engroseing.

Col. Addison from the Upper House delivers Mr Speaker the bill against buying and Selling offices Thus endorst Viz:

By the Upper House of Assembly June the 4th 1719.

Read and will pass wth the Proviso proposed by the Lower house

Signed p order. John Beard Cl Up. House.

Which was read againe and past for Engrossing And sent to the Committee of laws to be Engrost.

Coll: Tilghman and Coll. Ward from the Upper House delivers Mr Speaker the following Message Viz:

By the Upper House of Assembly June the 4th 1719

Gent.

We have Appointed Coll: Richd Tilghman and Coll: Matthew Tilghman Ward to Joyn with some of the Members of your house in a Conferrence (as you propose by your Message
p. 122 by Mr Beale and Mr Wright) On the Act for limitation of officers fees. Who are ready to attend in the Conferrence Chamber.

Signed p Order. John Beard Cl Up Ho.

Thereupon Mr Tyler Mr Wright Mr Rousby Coll: Mackall Col. Maxwell and Capt Codd are Appointed to Joyn the Mem-

bers of the house in the Conferrence and ordered the following Message be prepared Viz: L. H. J.

By the Lower House of Assembly June the 4th 1719.

May it Please your Honours

We have Appointed Mr Robert Tyler Mr Charles Wright John Rousby Esqr Coll John Mackall Capt John Maxwell & Capt St Lieger Codd to Join the Members of your House in the Conferrence Proposed. Who are ready to attend.

Signed p Order M Jenifer Cl L° Ho.

And sent to the Upper House by the Gentlemen Appointed.

They return & say they delivered it.

An Engrost bill for relief of Sundry poor prisoners. Read and ordered to be thus endorst Viz.

June the 4th 1719.

Read and Assented to by the Lower House of Assembly and

Signed p Order M Jenifer Clerk of Lo Ho.

Sent to the Upper house by Coll: Phillips and Mr Caldwell. p. 123

They return and say they delivered it.

The house adjourns till One a Clock in the afternoon.

Post Meridiem.

The house meet According to Adjournment.

The report of the Commissioners appointed to lay out the City of Annapolis &c was read and ordered to be entered as follows Viz.

By the Commissioners appointed to Survey and lay out the City of Annapolis &ca

May the 22d 1719

Pursuant to the Directions of a clause in an Act of Assembly of this Province Entituled An Act for the Settling all Disputes Concerning the boundaries of the severall Lotts within the City of Annapolis and confirming the same to the respective takers up Improvers and purchasers thereof and for laying out ten Acres of land out of the Town pasture into twenty lotts more to be Added to the said City,

Impowering and Authorizing us to enquire if any thing be due, and if any thing, what is due from the Publick for any

L. H. J. part of the lands laid out in the City aforesaid for the use of the publick,

We Doe hereby Certifye that on Tuesday the tenth day of March Anno Domini 1718 Wee called before us Mr Lancellot
p. 124 Todd being former Proprietor of the Land within the City aforesd who being first sworne on the holy Evangelists of Almighty God declared, That he cannot remember that he received any other sumes on Account of his being former Proprietor of the land within the City of Annapolis than what is hereunder mentioned of.

Mr Richard Beard for 1 Lott, Mr Henry Mathews for 1 Ditto Mrs Margret Freeman for 1 Do Mr John Beale for 1 Ditto 0..10s..0, Mr John Gresham for I Ditto 00..10s..0, Mr Thomas Bordley for 2 or 3 Do at 0..10s..0, each, Doctr Thomas Major for 1 or 2 Ditto at 0..10s..0 Each, Mr Thomas Holmes for 1 Ditto, 0..10s..0.

And further the said Todd Declares upon his Oath that he has never received any Satisfaction for the publick grounds within the City of Annapolis, But that about the year he was informed by Mr William Taylard that he was Ordered 1300 and odd pounds of tobacco on the Sherriff of Somerset County which tobacco he never received nor knew any further thereof. And further the said Lancellot Todd declares that he verily believes he never received any Satisfaction from Coll:
p. 125 Nicholson or Coll: Dorsey for any lotts by them held in the said City but remembers that Col. Dorsey refused when Demanded. All which in Complyance with the Directions of the clause in the Act of Assembly aforesaid Is humbly reported to the Lower House of Assembly

Signd p order. Vach. Denton Cl to the Comrs.

An Engrost bill for relief of John Beale and Richd Beale a Minor was read and ordered to Be thus Endorst Viz.

June the 4th 1719

Read and Assented to by the Lower house of Assembly and Signed p order. M. Jenifer Cl Lo Ho

The house adjourns till to Morrow Morning Eight a Clock.

ffryday June the 5th 1719.

The house meet According to Adjournmt

Yesterday's proceedings are read.

The house proceeds to Tax the fees on the Severall bills following Viz. L. H. J.

To the Honourable Speaker on Rob[t] Johnson's bill	£01..00..0
To the Clerk on Ditto	00..10..0
On Will[m] Gray's bill to the Hon̄ble Speaker	01..00..0
To the Clerk on Ditto	00..[10]..0
On the bill for the confirming the Glebe to St. John's Parish in Balto. Co	02..00..0
To the Clerk on Ditto	01..00..0
On John ffords bill to the Speaker	01..00..0
To the Clerk on Ditto	00..10..0
On John Beale's Bill to the Speaker	2.. 0..0 p. 126
To the Clerk	1.. 0..0

M[r] Tyler from the Conference delivers M[r] Speaker the report of the Conferrence on the bill for Limitation of officers fees which was read and ordered to be entred as follows Viz.

Maryland ss:

At a Conferrence of both Houses of Assembly held in the Conferrence Chamber for regulateing Officers fees within this Province on the 4[th] day of June 1719

Present

The Hon[rble] { Coll: Rich[d] Tilghman / Coll: Mathew Tilghman Ward } of the Upper House

Mr. Robert Tyler
Mr. Charles Wright
Mr. S[t] Lieger Codd
John Rousby Esq[r]
Coll: John Mackall
Coll: James Maxwell
} Members of the Lower House

Who make Choice of Coll: Rich[d] Tilghman to be Chairman and Philip Hammond to be their Clerk

And proceed to consider and regulate the Severall officers fees and make their report thereon as follows:

We the Conferres above mencōned upon Reading and Considering the former Act of Assembly provided for limiting the Severall officers fees within this Province are humbly of p. 127 Opinion that the fees therein Assigned to the Chancellors office are not more than Sufficient to Support the Dignity of that Station, And therefore that they remain as they now stand, That the Commissary Generall and Secretarys The Surveyor Generalls and his Deputys the Clerk of the Council and

L. H. J. the Clerks of the County be reduced according to the Schedule of their Severall fees hereunto annexed, And that the Sheriffs the Coroners the Clerk of the High Court of Appeals and the Cryers of the Prov[ll] and County Courts may remain as they now Stand in the former Law.

To the Commissary Generall for letter of Administration 75[lb] Every bond 45, Every Oath 12 Warrant for Appraisers 21 Ditto to Swear them 21 Every Commission to prove a will &c 75 Recording wills &c 12 p side Computing 7 Words to a line and 15 lines to a side Every Order in Testamentary Courts 12 Every Citation 15 fileing every Lybell Petition &c 30, Subpœna for Cost 12 Drawing Definitive Sentence p side 12 fileing Costs 12 Copy Ditto 12 Recording definitive Sentence 12 p side Executing definitive Sentence p side 12, Seale to Definitive Sentence 360 seale to Execution of such Definitive Sentence 180 Copy Every Answer libell Replication or rejoynder as before p side 12 Drawing depositions of Wittnesses p side 12 fileing Interrogatories 30 Entring dem[d] Administra-
p. 128 tion for probat of Wills 6 Entring every return 6 for Every appearance 13 attachment of Contempt 42 for Quietus Est 75.

Secretarys fees.

For a Recordari 9, a Subp[a] ad respondendum with three names 12, Every name more than three five, attachment Contempt 14, Proclamation Rebellion 90, Injunction 45, Audita Querela 75, writt of Enquiry of damages 30 writt of Covenant to pass a fine 12 a Commission to take Acknowledgment 90 Writt of Assize 23 a Commission to fine officers on a Melius Inquirendum or Monstravit 90 for a Ne Exeat Provinciam 90 Drawing any Instrument which Passes the Seale if it exceed one side computing Sides as before 12, & so pro rato for more for recording the same as before 12 Entring any Other Matter upon record if it [do not] exceed half a side 6 if the Matter entred upon record be above half a Side computing as before for every Side 12, Copy the same with recording 12, any Warrant or Licence against or to any person only not under the Seale 12 Any warrant or Licence against or to more than one not under the Seale then for each 12, Any other Pass or Discharge not under the Seale 12, Search of a Record the
p. 129 first year 0, Search of a record of above one year Standing for every year within the first five years 3 and for every year above 2 fileing Every bill in Chancery 30 Every Court the Same is continued 30 fileing every Answer 27 Every Oath to the same 9 writeing Commission & recording it for every Sherr[s] office 180, a Writt of posse Comitatus 90 A Writt of Discharge if any 90 writing and recording a Commission and dedimus potestatem for the County Court 248 for every writt

and return 21 Every Subpœna and return 29, fileing and L. H. J.
recording every Declaration ꝑ side 12, Copy the same 12 not to
be charged unless required and delivered Every appearance
entred 9, Every Imparlance 6 A Cont or referrence 6 fileing
plea if not Special 6 Special Plea ꝑ side 12 makeing up the
Issue 24 rule to plead or for Tryall 6, venire facias for Jurors
21, Copy Pannel 6 for Every Verdict 6, Entring Judgment 24
Signing Judgment 18, Copy Judgment 24, Transcript of the
whole proceedings ꝑ side 12 fileing bill of Costs 12 Copy if
Demanded and delivered 12 every execution and return 24
Attachment and Scire facias 42 for every Special Bail 12 for
fileing and recording Every Demurrer 12 for Drawing protest
and recording it 180, Drawing any Other Matter as Notary
under the Seale 38, if such matter exceed one side then ꝑ side
12 Recording a Patent for Land 90 for proving Rights ꝑ poll p. 130
2 Entring assignment not exceeding half a side 12, Entring
Certificate for land 12 ꝑ Side as before Warrant for Land 21,
Warrant resurvey ꝑ order Council 38, Habere facias Pos-
sessionem 21 Replevin 21, procedendo 21, Writt Restitution
21 Drawing Dedimus [Potestatem] to examine evidences 38
Habeas Corpus 38 Certiorari 38 Commission to Audite 38,
Commission of Resurvey 38 Writt of Deminution 21 Writt
Error to the County Court 38, Scire facias thereon 38 Super-
seedeas 38 Entring Acknowledgment of land in Court 9 Re-
cording a Conveyance 12 ꝑ side as before takeing Recogniz-
ance in Court 21, Discharge every Recognizance 21, Every
Venire facias or Warrant to apprehend Criminals 23 Appear-
ance 12 Respit and Cont. 21, Every order in Criminal cases 12
Copy Recognizance 21 Every Indictment 12 ꝑ side as before
Copy Indictment the same fileing Plea to the same 6 Confes-
sion to every Indictment 12, Allowance of a Writt of Error 21
Every Indictment after the first name 18, Rule of tryall 12
Copy Pannell 6, recording Verdict 6 Entry Conviction and
Signing Judgment 42, Writt of execution thereon 42 takeing p. 131
Security on Condemnation on Attachment 12 To Entring
action agreed 6.

To the Surveyor Generall or his Deputy.

For resurveys the same fees as on Primitive Surveys, all other fees allowed by the former Act to the Surveyor to Stand as therein Stated.

To the Sherriff as formerly.

To Coroners as formerly.

To the Cryor of the Provincial Court as formerly.

To the Clerk of the Councill.

ffor Every Petition in Council and order in favour of the Party 150 for Every Sherriffs Commission 400, for every other Commission for a place of Profite that Passes the Great

L. H. J. Seale 200 for recording any Matter in Council p side 18 On Account of a private person, for Copying any matter from the Council records the Same as for recording for Searches the Same as to the Secretary.

To the Clerk of the High Court of Appeals the same as formerly.

To the Clerk of the County Court.

For a Writt and return 14, Every Declaration if a side 7 and so pro rato if More, Copy of the Same if demanded as before, Entring Defendants Appearance 5, fileing every plea or Demurrer if not Special 4, If a folio or more Pro rato, if any Copy Delivered pro rato, Entring any Matter upon record if
p. 132 half a side 4, if above half a side then pro rato as before, a Subpœna if but one name 10, if more than one name 12, Rule to plead or tryall 4, for makeing up the Issue 7, for Copy if Delivered 7, Entring Judgment 14, Signing Judgment 10, Venire facias for Jury 10, Entry pannell Jury 4, filing bill Costs 7, Copy thereof 7, Execution and return 14, for Special baile 6, Writt of Enquiry damages 36, Entring an Appeal 7 the return of Certificate Copy of record p side 7, Entry Writt Error 7 Every Oath five, proving a Deed or Writing 7, a Copy of the Same if required p folio 7, Recording the mark of Cattle or Hoggs 4 takeing Acknowledgment of land in Court 12, Recording a Conveyance of land p side 7, Allowance of Habeas Corpus 7, Search Every year two pounds of tobacco for Criminalls for takeing Every Recognizance 14, Discharge of Recognizance 12, Venire facias or Warrant 12, for Every Appearance 7, Respit & Cont: 7, Every order 7, Copy Recognizance 14, Every Indictment p side 7, Copy Panel 4, Recording Verdict 6, Entring Judgment 22, Execution of Judgm^{t} 22, Copy Judgment as before p folio 7, fileing plea 7, Confession
p. 133 Judgment 7, Taking Security on Condemnation on attachm^{t} 6, To entring Action Agreed 4.

To the Cryer of the County Courts the same fees as formerly

Signed p order. Phil. Hammond Cl.

Thereupon the Question was Put whether the house shall concurr with that report or not.

Carried in the Affirmative

And Ordered the following Message be prepared Viz:

By the Lower House of Assembly June the 5th 1719.

May it Please your Honours

This house haveing read the Report of the Conferrees on the Act for limitation of officers fees, concurr therewith and

desire to know whether your honours will agree with us that a bill may be brought in thereon According to that Report. L. H. J.

Signed p Order M Jenifer Cl: L° Ho.

And sent to the Upper House by M^r^ Tyler and four more.

They return & say they delivered it.

An Engrost bill for the relief of John Beale sent to the Upper House by Cap^t^ ffendall and M^r^ Dent.

They return and say they delivered it.

An Engrost bill against buying of offices &c read and ordered to be thus Endorst Viz.

June the 5^th^ 1719.

Read and Assented to by the Lower House of Assembly and Signed p Order. M. Jenifer Cl. Lo. Ho: p. 134

Sent to the Upper House by M^r^ Caldwell and M^r^ Hill.

They return and say they delivered it.

Coll: Tilghman and Coll. Ward from the Upper House delivered M^r^ Speaker the following Message Viz:

By the Upper House of Assembly
June the 5^th^ 1719

Gent.

In Answer to your Message by M^r^ Tyler and four others this house Agrees that a bill may be brought in limiting the Severall officers' fees as proposed by the report of the Conferees.

Sign^d^ p Order John Beard Cl: Up: Ho

Esq^r^ Hall from the Upper House delivers M^r^ Speaker the bill for Securing the Peace of this Province against the Villanies of Imported Convicts with the following Message Viz:

By the Upper House of Assembly June the 5^th^ 1719.

Gent

We cannot Agree with you in opinion that the bill now proposed for Secureing the Peace of this Province against Imported convicts does not relate to trade, because thô it does not Directly Prohibit the Importation of them, yet It effectually discourages any persons from buying them, which must needs be a great detriment to any Merchant who shall undertake the transportation of Such Convicts. Therefore we have p. 135

L. H. J. great reason to believe his Excellency the Governour will not pass a Law so Contrary to his Instructions besides we think it would be a great Injustice to any Merchant that is or may happen to be concerned in transporting such Convicts to make a law to deprive them of the Opportunity of disposing of them here without giveing a Sufficient time to Apprize them of it, so that althô we are Very Apprehensive of the Mischiefs that may ensue upon the Importation of such persons amongst us yet we cannot consent to the passing this bill under a less limitation than twelve Months, which we hope will obviate all difficultys in the Passing of it.

Sign[d] p order John Beard Cl. Up. Ho.

Whereupon the same was past for Engrossing and sent to the Committee of laws to be Engrost.

[Esq[r] Hall comes from the Upper House] And Acquaints M[r] Speaker that the bill ag[t] the buying and Selling of offices and the Supplement relating to Servants and Slaves, and the Engrost bill for the relief of John Beale And the Engrost bill for the relief of Severall poor prisoners are read and Assented to by the Upper House.

On a Motion made Resolved that the members and officers of this house be Allowed at the rate of twelve Shillings and
p. 136 Six pence p Cent for their three days attendance more than allowed them in the Journall of the Committee of Accounts

And ordered the following Message be prepared Viz.

By the Lower House of Assembly June the 5[th] 1719

May it Please your Honours

This house has agreed that their Severall Members and officers be allowed at the rate of twelve Shillings and Six pence Current Money for the three days attendance more than Allowed in the Journall of the Committee of accounts this Assembly and Desire to know whether your Honours will be willing that the like Allowances be made to the Severall Members of your House with which if you Agree the Allowances may be now made Accordingly.

Signed p order M Jenifer Cl. L° h°.

And sent to the Upper House by Col. Mackall and M[r] Caldwell.

They return and say they delivered it.

The house Adjourns till one a Clock in the afternoon.

On the Petition of Evan Jones leave is given him by this house to print the laws made this Sessions

As also the Governours Speech Answer and the Severall addresses of this Sessions. L. H. J.

Bill for Limitation of officers' fees. Read the first and Second time by especial order and will Pass p. 137

And sent to the Upper House with the following Message Viz.

By the Lower House of Assembly June the 5th 1719

May it Please your Honours

You have herewith sent the Bill for the limitation of officers fees According to the regulation proposed by the Conferrence Appointed for that purpose, But least it should meet with any difficulty in being past by his Excellency we propose that An Address be prepared to his Excellency Setting forth proper reasons to induce him to Pass the Same, In which we desire you would be pleased to Joyn.

Signed p Order M. Jenifer Cl L° Ho.

By Mr Hill and three more. They return and say they delivered it.

Ordered that Samuel Young Esqr Publick Treasurer of the Western Shore pay unto the Honourable Nathaniel Blackiston Esqr one hundred pounds Sterling out of the publick Stock in his hands for the Sallary as Agent at the expiration of the year. Engrost Bill for the further Securing the Peace and Safety of this Province was read and ordered to be thus Endorst Viz:

June the 5th 1719.

Read and Assented to by the Lower House of Assembly and

Signed p Order M. Jenifer Cl. L° Ho. p. 138

And sent to the Upper House by Mr Edmondson and Mr ffisher.

They return and say they delivered it.

Resolved that if the Committee for laying the Publick Levy has Occasion to pay off Any Persons to whom tobacco is due in Money they allow no more than Twelve Shillings & Six pence p Cent Current money for the same.

Esqr Lloyd from the Upper House delivers Mr Speaker the following Message Viz:

By the Upper House of Assembly June the 5th 1719

Gent.

We Agree that the Allowance due to the Severall Members and officers of this house for their three days attendance this

L. H. J. Sessions more than what is in the Journall of Accounts be paid them in Money at the rate of twelve Shill[s] and Six pence Currant

Signed p Order John Beard Cl Up Ho

Ordered that the Committee for laying the publick levy allow his Excellency the Governour in Money for so much Tobacco as is allowed him by the Publick at the rate of twelve and Six pence p hundred Currency if Money will hold out and he thinks fitt to Accept thereof.

Coll Young from the Upper House delivers M[r] Speaker the
p. 139 Journall of the Committee of accounts thus Endorst Viz:

June the 5[th] 1719.

Read and assented to by the Upper House of Assembly &
Signed p Order. John Beard Cl Up H°

The Bill empowering a Committee to lay and Assess the Publick levy was read the first and second times by especial order and will pass, which was so Endorst and Sent to the Upper House by M[r] Stoddart and M[r] Dashiel.

They Return and say they delivered it.

Esq[r] Brooke and three more from the Upper House deliver M[r] Speaker the following Message Viz:

By the Upper House of Assembly June the 5[th] 1719.

Gent.

Upon Reading your Message by M[r] Hill and Others his Excellency is Pleased to Say that he shall pass the bill if their be a limitation, which he desires may be for three years and to the end of the next Session of Assembly which shall happen after three years, or to the end of the first Session of Assembly after the Arrivall of the Lord Proprietor which shall first happen

Signed p Order John Beard Cl Up Ho

The following letter from his Excellency on Wednesday last to M[r] Speaker was Communicated to the house and Or-
p. 140 dered to be Entered as follows.

M[r] Speaker.

I desire you will Acquaint the house that, by the Artfull contrivance of M[r] Carroll his Lordship's former Agent, There

remains, as I am informed upwards of three hundred Patents which are not yet Sealed, Thô the persons to whom those patents belong have some years Past paid their consideration money (the Seales excepted) by which the proprietors of those patents are as yet defeated of their essential right to the lands they have purchased. L. H. J.

This was the Malicious management of M^r^ Carroll, who is the cause of so great Injustice to the Publick, purely to deprive me of the fees of the Seales, in Expectation, that for my contending with the Papists for their Pretended Right of haveing an Equall Share with the Protestants to Offices in this Government (and which Surely is not so soon forgot) They had hopes of removeing me from my Station, & so their favourite they expected in my room, might reap the benefite of my Just Dues. I am Sorry to find that M^r^ Carroll and his friends are like to reap the fruit of their Resentments in my disappointment for from my short Stay in the Countrey, and the distant habitations of those that have purchased those patents, I shall lose at once the benefit of the Seales which regularly and Gradually ought to have gone Annually out of the offices. But as I never haveing been craveing of the As- p. 141
sembly On my Account, I shall only referr it to the consideration of the house whether the keeping of Patents for many years in the office after persons have paid their consideration money to the Lord Propiretor be not a great Grievance.

Jo: Hart.

In Answer to which the following Message was prepared and ordered to be Entered as follows Viz:

By the Lower House of Assembly June the 5^th^ 1719.

May it please your Excellency

M^r^ Speaker haveing Communicated to this house your Excellencys letter on Wednesday last we proceeded Immediately to inquire into the Subject matter recommended to us thereby and find that the Patents your Excellency Mention therein have been lately transmitted to the Secretary's Office by which we hope their remains no more Doubt but your Excellency will readily come by your Just dues whatever M^r^ Carroll's endeavours have been to prevent.

As by your Excellencys opposing the pretended rights of Papists you have raised them to revenge so we take leave to Affirm by your maintaining our real Ones you have engaged our Gratitude which we shall be always ready to demonstrate our sense of and have not yet forgot your Excellencys good p. 142

L. H. J. and effectuall offices in defence of our Protestant Constitution which will remain ever memorable to us and our posterity.

Signed p Order M. Jenifer Cl Lo Ho.

Which was sent to his Excellency by M[r] Bordley & five more.

Coll: Tilghman from the Upper House delivers M[r] Speaker the bill for Limitation of officers' fees thus Endorst Viz.

By the Upper House of Assembly.
June the 5[th] 1719

Read & will Pass.

Signed p Order Jn° Beard Cl Up Ho.

And the bill for laying the Publick levy Thus Endorst Viz.

By the Upper House of Assembly June the 5[th] 1719

Read the first and second times and will pass

Signed p Order John Beard Cl: Up Ho

Both w[ch] bills were read & past for Engrossing And sent to the Committee of Laws to be Engrost.

Esq[r] Hall from the Upper House delivers M[r] Speaker the following Message Viz.

By the Upper House of Assembly June the 5[th] 1719

Gent.

There being a Greater number of laws made this Sessions
p. 143 than the last, We referr it to your Consideration to make his Excellency what allowance you think may be Suitable for a Copy of the laws this Sessions to each County And for one to the Provincial Court.

Signed p order John Beard Clerk Up Ho

The house Adjourns till to Morrow Morning Eight a Clock.

Saturday June the 6[th] 1719

The house meet According to Adjournment.

Yesterdays proceedings are read.

The report of the Committee of both houses Appointed to Draw up the Addresses proposed by his Excellency's Speech

and this Houses Answer read and ordered to be entered as follows Viz: L. H. J.

At a Committee Appointed by the Upper and Lower Houses of Assembly held in the Conferrence room on the 27th day of May Anno 1719.

Present

The Honble { Philemon Lloyd Esqr / Coll: Richd Tilghman } of the Upper House

The Honble { James Stoddart / James Lloyd / John Beale / Jams ffrisby & / Phil. Lee } of the Lower House

Who make Choice of Philemon Lloyd Esqr for their Chairman and Accept of Phillip Hammond as Clerk. And so adjourn till the Morning eight a Clock. And meet in the Morning again According to Adjournment Present as before and proceed to draw the following Address Viz: p. 144

To the King's most Excellent Majesty

The Address of the Governour and the Members of the Upper and Lower Houses of Assembly in the Province of Maryland the 28th of May 1719.

Dread Sovereigne.

We your Majestys dutifull and Loyall Subjects, in this remote Province in Humility begg leave to Address your Sacred Person to congratulate you on your many Happy discoveries of the Designs of your Enemies, and the Continuance of your precious life to the Happy Conjunction on which we with Joy Solemnize the Anniversary of your Birth.

May the King of Kings, assist & [Enable] you, to disapoint all projects of your Enemies and to Establish a Protestant constitution in Church and State in all your Dominions

May the bounty of Heaven continue your Majesty and your Posterity to be the Arbiters of Europe, the terror of your Enemies, and the Joy of your people till time shall be no more. p. 145

Is the Ardent Prayers of

To the Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of

L. H. J. Baltemore &c[a] and to the Right Honourable ffrancis Lord Guilford &c his Noble Guardian

The Humble Address of the Upper and Lower Houses of Assembly in the Province of Maryland.

May it Please your Lordships.

Wee your Lordships most obedient faithfull Tennants of the Upper and Lower Houses of Assembly now convened, take the Liberty of representing with one Generall Voice that Nothing could have Given us a more pleasing and Compleat
p. 146 Satisfaction at this time, than to have it confirmed to us, from your Lordships Own hands, that you Look upon our Just endeavours to Support the Authority of your Courts and protect the persons of your Ministers as a Manifest evidence of our approbation of your Lordships Dominions over us.

May it Please your Lordships

We think our Selves Very happy that we have been Able to express such a Due Sense of our Duty, as that your Lordships have Apprehended our proceedings to have the same Tendancy that we designed them, And that you have thereupon Declared, the Libertys and Properties of the good People of this Province are Strengthned thereby

Such free Declarations convince us that your Lordships would not have disassented unto the Act for the better Supporting the Magistrates in the administration of Justice within this province, had it not been out of a tender regard to the Preservation of the rights and liberties of an English Subject, a principle so Just and so beneficent, it fills us with pleasure to foresee, that Justice and Clemency are like to become the Rule of your Lordships' Government.

p. 147 But Give us leave in most humble Manner to represent, that the particular person mentioned in that Act, did never Apply himself to the Upper House, upon that occasion Althô he had very little reason to Apprehend any hardship there, from the treatment he met withall a few days before upon his refusall to make such reasonable acknowledgment of his indecent and insolent behaviour to our Governour in the Court of Chancery and elsewhere, as was required of him by your Lordship's letter to him for that purpose. This gives a great deal of reason to believe th[t] the Subtile Insinuations & false allegations of that person, prevailed upon those Eminent Gent of the Law to give their opinions as they have been transmitted to us.

We humbly Submitt to your Lordships' opinions that laws made against persons ex post facto, if not unjust are at least,

deemed Severe, But such was the case of that particular person, that frequent excuses brought on repeated transgressions and pardoning instead of humbling him, made him so much the more insolent. L. H. J.

Whereupon the Legislative power, seeing all Authority of Government Slighted & contemned, took in hand the affair, and made the Act aforesaid as the only effectuall Discouragement to such like practices for the future. p. 148

But forasmuch as your Lordships have been pleased to disapprove of the Manner of tacking any particular clause, to a Generall bill, We have so Just a Deference to your Lordships' Opinion in the case that we have now proceeded to remedy the s^{d} Evill by two distinct laws.

My Lords.

We make noe Question but that the Advancement of learning within this your Province will be a very Acceptable thing to you yet forasmuch as the narrow Circumstances of an Infant Countrey (all our funds raised for that purpose falling farr Short of the end designed) will not alone afford Sufficient Encouragment thereto, which lays us under a Necessity of Addressing your Lordships upon this Occasion, for althô the condition of most of the people here has little claim to a truely Generous and Liberall education yet abundance of Youth, now Growing up, are Unhappily destitute of those Common Improvements which Nature hath made them very Capable of for the rendering them better Christians better Subjects to his Majesty, and better Qualifyed persons for the Just discharge of the Severall trusts, to which your Lordships or your Successors may have occasion to Appoint them, as well in the offices of State, as in the Destribution of Justice and all other the Exegencys of Life. p. 149

We humbly begg leave to lay before your Lordships that by an Act of Parliament of the 25th of King Charles the Second a duty of one penny ꝑ pound was laid on all Tobacco transported from Plantation to Plantation the whole of which revenue by the Royall Donation of the late King William the third of Glorious Memory was Appropriated to the building and maintaining a Colledge of learning in Virginia ever since w^{ch} the good People of this Province have paid large Sumes of Money towards the Encouragment of learning there w^{ch} the distance of the Place and the great charge of Schooling children hath made altogether useless to us, for such persons as are of Ability to defray such charge choose rather to educate their children in Great Britain, whilst the Middling Sort of people who only Stand in need for the Education of their

L. H. J. Children, of such Pious and Charitable foundations reap not the least benefit thereby.

p. 150 But if the Royall Grant of King William aforesaid be limited to a certain time when it Shall determine as we are Informed it is, then we are in great hopes, that upon the proper Application to his most Sacred Majesty Setting forth that we your Lordships Tennants of this Province, are alike Subjects of Great Brittain wth those of Virginia, That we are under much greater Dificultyes as to Schooles that there hath been great Summs of money Collected on the said Duty of one penny ꝑ pound and Applyed to the benefit of the Colledge afores^{d} that a Magnificent Colledge is and hath been long Since built in Virginia, we are humbly of Opinion that it may now be thought reasonable that we his Majestys loyall Subjects of this Province should have some Share of his Royall Bounty towards the Support of a free Schooll already built at Annapolis and that the one penny ꝑ pound to be Collected within this Province after the Determination of the Grant to the Governour and trustees of the Colledge of Virginia afores^{d} might be Applyed to the use and Support thereof. Wherefore we humbly implore your Lordships kind endeavours in Assist-

p. 151 ing and carrying on a design so truely noble and beneficial to the whole Province & if Accomplisht will perpetuate your Lord[ships] Memory in the minds of all good people for ages to come.

My Lords. We want words to express our Satisfaction at the entire confidence which your Lordships declare you have in your great Council convened in Generall Assembly and we now promise that we will make it our Chief endeavours to cultivate this good understanding by all the measures of duty and Submission that shall be most Consistent with the true Interest of Maryland, which we promise ourselves your Lordships will always have at heart as well as the Protestant Establishment the true foundation of it. We begg leave to applaud your Lordships tender Compassion, to consciences truely Scrupulous a principle that Speaks you true Sons of that holy and pious Church which Practices Charity with all mankind and we doe further assure you we are led by our Inclinations as well as principles to the same Compassion for all such persons of Scrupulous consciences as demean themselves inoffensively in the Government and do not endeavour the perverting his Majestyes Protestant Subjects to the Superstition

p. 152 of the Church of Rome but if any such persons should complain of persecution merely because We do not make particular laws in their favour, to be a barrier and as it were Skreene them against the laws of great Britain, We flatter ourselves

that your Lordship will have such a Just regard of the Sincerity of our Proceedings, that you will not upon the Suggestions, or insinuations, of any such Evill minded persons lessen that confidence so happily establish't between your Lordships and your great Council of this Province now convened in a Generall Assembly. That this present good understanding between your Lordships and your two houses of Assembly may long Continue is the hearty Desire of Your Dutifull Tennants and most faithfull humble Servants L. H. J.

Signed p order Phill: Hammond Cl. Com.

Pursuant to which Report Addresses were fairly engrost and Signed by the members of the Upper House and also by the members of this house in order to be transmitted to their Lordships.

Coll: Tilghman for the Upper house Acquaints M^r^ Speaker that the bill for the further Secureing the Peace of this Province is read and assented to by that house. p. 153

An Engrost bill for limitation of Officers fees & An Engrost bill for laying the publick Levys were read and Severally thus Endorst Viz:

June the 6^th^ 1719.

Read and Assented to by the Lower House of Assembly and
Signed p order M. Jenifer Cl: L° Ho.

And sent to the Upper House by Col: Hynson and three more.

They return and say they delivered them

On the Motion of Col: Hynson ordered that the report of the Committee of Aggrievances of last Session relating to him and M^r^ Snowden be again taken under the Cognizance of this house and ordered new Summons against the said Snowden and leave is given to Subpœna evidences.

Resolved that the Sum of One thousand pounds of Tobacco be allowed his Excellency for each body of Laws to the County and one to the Provinciall Court and ordered the following Message be prepared Viz:

By the Lower House of Assembly June the 6^th^ 1719.

May it please your Honours.

In Answer to your Message by Esq^r^ Hall of last night This house have resolved that his Excellency be allowed one thou- p. 154

L. H. J. sand pounds of Tobacco for each Body of Laws to the County and one to the Provll Court.

Signed p order M. Jenifer Cl L° H°

And Sent to the Upper House by Coll Codd and Coll Maxwell.

They return and say they delivered it

Ordered that the Gentlemen Appointed by the Act for repairing the Records proceed as they shall think proper towards the records According to report of the Committee appointed to View the records this Sessions.

Esqr Hall from the Upper House acquaints Mr Speaker that the Engrost bill for limitation of officers fees and the Engrost bill for Laying the Levy are read and assented to by that house.

Col Young and two more from the Upper House deliver Mr Speaker the following Message Viz.

By the Upper House of Assembly June 6th 1719.

Gent.

It is Very well known how kind and Serviceable his Excellency the Governour has been to this Province dureing his administration here, not only in the Supporting the Author-
p. 155 ity of his Lordship but in consulting the true interest of Maryland.

Wherefore we offer to your Consideration whether it be not reasonable (this being probably the last Sessions of Assembly that we shall have the happiness to meet him in) to make him some Gratefull Acknowledgment for all his favours.

Signed p Order John Beard Cl Up. Ho.

Thereupon the Question was put whether his Excellency Shall lay his accounts of disbursments before this house or not. Carried in the Affirmative.

And ordered the following Message be prepared Viz.

By the Lower House of Assembly June 6th 1719.

May it Please your Honours

This house takeing into Consideration your Message of this day by Col Young & two more desire your Honours will be pleased to entreat his Excellency to lay an Account of his Disbursments on Account of the Province before this house.

Signed p order M. Jenifer Cl Lower Ho

And Sent to the upper house by Coll: Mackall & five more. L. H. J.
They return and say they Delivered it.

The house Adjourns till one a Clock in the afternoon.

The house meet According to Adjournment. p. 156

Ordered that Robert Ungle Esq^{r} Publick Treasurer of the Eastern Shore send for the following Stationary ware for the use and at the Risque of the Publick Viz: Half a Rheam of best Royall Paper, two Rheam of Demi royall paper ffour Rheam of best writing Dutch Paper, Six Rheam of Common writeing paper, One gross best Parchment Skins, A Quarter of a pound of Pumice stone and ¼^{lb} Gum Sandarack and twelve Cakes best Ink Cake.

The Question was put whether in Consideration of the Severall Services done by his Excellency for this Province the Sum of two hundred pounds Currency shall be presented as an Acknowledgement to be paid by the Honourable Robert Ungle Esq^{r} without any charge to the Publick.

Carryd in the affirmative by the Majority of Votes.

Thereupon ordered the following Message be prepared Viz:

By the Lower House of Assembly June the 6th 1719.

May it Please your Excellency

We Desire your Excellencys favourable acceptance of two hundred pounds Currency as a Gratefull Acknowledgement of the many good offices you have done us. p. 157

Signed p Order M. Jenifer Cl. Lo Ho.

And sent to the Upper House by Coll Mackall and five more.

They return and say they delivered it.

Esq^{r} Lloyd from his Excellency delivers M^{r} Speaker the following Message Viz.

June 6th 1719

M^{r} Speaker

I desire you will acquaint the house that I have Just now received the Message by Col: Mackall and five more desireing my acceptance of two hundred pounds currency for the good Offices I have done the Countrey.

I am willing to accept of that Sume as a reimbursment of what I have really and truely expended (thô the sume I have given farr exceeds this now offered) for Supporting and Maintaining the laws of this Province from the Invasion of

L. H. J. the Papists and their Adherents on them, and not as a present from the Countrey.

And this I give under my hand because I am now and at all times ready to Maintain the truth of what I say, That the Honour and Safety of Maryland was at Stake at the time I laid down my money to defend both.

John Hart.

In answer to which the following Message was prepared
p. 158 Viz.

By the Lower House of Assembly June the 6th 1719

May it Please your Excellency

We are truely Sensible that your Excellency has been at great expence in Maintaining the Laws of this Province against the Invasion of Papists and Acknowledge the sum proposed to be really but a reimbursment of a part of what your Excellency has Disburst for the Honour and Safety of Maryland and desire your Excellencys acceptance of it as such.

Signed p Order M. Jenifer Cl. Lo Ho

Sent to the Upper House by Thomas Bordley Esqr and five more.

They return and say they delivered it.

Ordered that Mr Stoddart & Coll. Woollford acquaint the Upper house that Nothing of Publick business remains before this house Unfinished.

They return and say they Delivd their Message.

Coll Young from the Upper house Acquaints Mr Speaker that his Excellency Commands him to attend him with the whole house Immediately in the Upper house.

Whereupon Mr Speaker with the whole house went to the
p. 159 Upper house to Attend his Excellency where his Excellency was Pleased to Enact the Severall Engrost bills following into Laws by Sealing them with the Right Honourable the Lord Proprietarys Greater Seale at armes of this Province and endorsing them Severally in the Manner following Viz:

June the 6th 1719

On the behalf of the Right Honourable the Lord Proprietary I will this be a Law

John Hart.

N° 1 An Engrost bill for Supplying certain defects in a Conveyance of land from Henry Roberts to John Ford.

2. An Engrost bill for Vesting and Settling an Estate of Inheritance in fee Simple of and in a certain parcell or lott of ground in the city of Annapolis containing one hundred and twenty feet in length on Robert Johnson of Annarundell County Ship Carpenter. L. H. J.

3. An Engrost bill to confirm to William Gray of Calvert County, a small parcell of land lying in the said County sold by Robert Brooke to the said Gray now in the possession of the said Gray.

4. An Engrost bill to confirm a tract of land therein mentioned to the Rector or Minister of S^{t} John's Parish in Baltemore County and his Successors for ever.

5. An Engrost bill for the Encouragement of an Iron Manufacture within this Province.

6. An Engrost bill for the better Supporting the Magistrates in the administration of Justice within this Province. p. 160

7. An Engrost Bill Explaining & Declareing particularly what Laws were repealed by an Act Entituled An Act Declareing all Laws heretofore made w^{ch} have been reenacted this Sessions of Assembly to be repealed and reviving the Act for relief of Ann Arundell County.

8 An Engrost Supplementary bill to the Act for Appointment of Constables and what relates to their office and Ascertaining what persons are taxables.

9. An Engrost Bill reviveing an Act of Assembly of this Province entituled an Act for the Ordering and regulateing the Militia of this Province for the better defence and Security thereof.

10. An Engrost bill reviving an Act of Assembly of this Province Entituled an Act for Encouragement of Tillage & relief of poor Debtors and for Supplying some Defects therein

11. An Engrost Supplementary bill to the Act for Causing Grand and Petit Jurors and Wittnesses to Come to the Prov^{ll} & County Courts and Ascertaining their Allowances.

12. An Engrost bill for disabling Thomas Macnemara Esq^{r} to practice the Law in this Province. p. 161

13. An Engrost Bill for Application of such intestates estates as leave no legal representatives and for enforcing proceedings ag^{t} Temerary administrators.

14. An Engrost Supplementary bill relating to Servants and Slaves.

15. An Engrost Bill for relief of Sam^{l} Lyle of Calvert County, of Christopher Bateman, Robert Gray and John Budd of Kent County languishing prisoners.

L. H. J. 16. An Engrost bill for relief of John Beale of Charles County Gent. and Rich[d] Beale a Minor.

17. An Engrost bill for limitation of officers' fees.

18. An Engrost Bill for laying the Publick Levy Anno 1719.

After which his Excellency was pleased to declare that with the advice of the Right Honourable the Lord Proprietary's Council of State in this Province he thought fit to Prorogue this Generall Assembly till the fourth day of August next to which time the same was Accordingly prorogued.

Afterwards M[r] Speaker with the whole house return to their
p. 162 own house, where M[r] Speaker resumes the Chair and reported to the House that his Excellency the Governour with the advice of the right Honourable the Lord Proprietary his Council of State in this Province had prorogued this Generall Assembly to the fourth day of August next to which time this house accordingly Prorogues it Self.

So Endeth this fourth Session of Assembly after his Majesty was graciously pleased to restore the Right Honourable the Lord Proprietary to the Government of this Province, This Sixth day of June Anno Domini 1719.

Test Mic Jenifer Cl. L° House

ACTS.[1]

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, the 14th Day of May, in the 4th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. and ended the 8th Day of June following, in the 5th Year of his Lordship's Dominion, Annoq; Domini 1719, were Enacted the Laws following, viz. Bacon

John Hart, Esq; Governor.

A Supplement to the Act relating to Servants and Slaves. Chap. II

Whereas by the Act of Assembly relating to Servants and Slaves, there is not any Provision made what shall be done with such runaway Servants or Slaves that now are, or hereafter shall or may be taken up and committed to the Custody of any Sheriff within this Province, where the Master or Owner of such Servant or Slave, having due Notice of such Servant's or Slave's being in the Custody of such Sheriff, refuses or delays to redeem such Servant or Slave, by paying their Imprisonment Fees, and such other Charge as has, or may accrue, for taking up such Servant or Slave.

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, every Sheriff that now hath, or hereafter shall have committed into his Custody, any runaway Servants or Slaves, after One Month's Notice given to the Master or Owner thereof, of their being in his Custody, if living in this Province, or Two Months Notice, if living in any of the neighbouring Provinces, if such Master or Owner of such Servants or Slaves do not appear within the Time limited as aforesaid, and pay, or secure to be paid, all such Imprisonment Fees due to such Sheriff, from the Time of the Commitment of such Servants or Slaves, and also such other Charges as have accrued or become due to any Person for taking up such runaway Servants or Slaves, such

[1] The text of these Acts is from Bacon's *Laws of Maryland*, published in 1765. They comprise the public general laws passed at this Session that were in force at the date of Bacon's compilation.

Bacon Sheriff is hereby authorized and required (such Time limited as aforesaid, being expired) immediately to give Public Notice to all Persons, by setting up Notes at the Church and Court-house Doors of the County where such Servant or Slave is in Custody, of the Time and Place for Sale of such Servants or Slaves by him to be appointed, not less than Ten Days after such Time limited as aforesaid, being expired; and at such Time and Place by him appointed as aforesaid, to proceed to sell and dispose of such Servant or Slave to the highest Bidder, and out of the Money or Tobacco which such Servant or Slave is sold for, to pay himself all such Imprisonment Fees as are his just Due, for the Time he has kept such Servant or Slave in his Custody, and also to pay such other Charges, Fees or Reward, as has become due to any Person for taking up such Runaway Servant or Slave; and after such Payments made, if any Residue shall remain of the Money or Tobacco such Servant or Slave was sold for, such Sheriff shall only be accountable to the Master or Owner of such Servant or Slave, for such Residue or Remainder as aforesaid, and not otherwise.

III. And in case any Sheriff, or the Buyer of such Servant or Slave, or others concerned in the Execution of this Act, shall be sued by any Person or Persons for any Matter or Thing done, or to be done, in pursuance hereof, it shall and may be lawful for every such Person or Persons so sued, to plead the General Issue, and give this Act and the special Matter in Evidence, and in case of Non-suit, Discontinuance, or Verdict against the Plaintiff, the Court shall award double Costs of Suit.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

Chap. III A Supplementary Act to the Act for causing Grand and Petit Jurors, and Witnesses to come to the Provincial and County Courts, and ascertaining their Allowances.

To Prevent Jurors from taking, and Suitors from giving, larger Sums for a Verdict than is allowed by Law; whereby it is obvious that some Persons (who have more frequent Trials by Jurors than others) have endeavoured to raise a general Expectation in Jurors of larger Donations from them than from their Adversaries, thereby endeavouring to incline them to their Favour: For Prevention whereof for the future;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Sum of One Hundred and Twenty Pounds of Tobacco, or Twelve Shillings in Money, be allowed and paid to every Jury, for hearing or giving their Verdict in any Cause they are sworn to give their Verdict in, whether in the Provincial or County Courts, and no more; and that in case any Suitor give more than what is hereby directed, and be thereof convict, he, she, or they, shall for such Offence (if to a Juror in the Provincial Court,) forfeit the sum of Six Thousand Pounds of Tobacco, or under, at the Discretion of the Court: If in the County Court, the Sum of Two Thousand Pounds of Tobacco, or under, at the Discretion of the Court, to the Right Honourable the Lord Proprietary; the one Half thereof to the Use of Schools, to be applied in the same Manner as the additional Duty of Twenty Shillings per Head on Negroes and Irish Papists now is, the other Half to the Informer, or him or them that shall sue for the same, if on Indictments or Actions criminal; if otherwise, to the Party grieved only. To be recovered in the Court where the Forfeiture shall happen, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed. Bacon

III. And be it likewise Enacted, That every Petit Juror Summoned to any County Court, shall be allowed for every Day such Juror shall attend (by Force of such summons,) the Sum of Fifteen Pounds of Tobacco, over and above the aforesaid One Hundred and Twenty Pounds of Tobacco, or Twelve Shillings to each Jury, for each Cause, and no more; the aforesaid Fifteen Pounds of Tobacco per Day to each Juror in each County Court, to be paid by the County, in the same Manner as the Jurors of the Provincial Court are allowed by the Public.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

An Act for the better supporting the Magistrates in the Administration of Justice within this Province Chap. IV

Whereas it is obvious to this present Session of Assembly, that there is an absolute Necessity of a Law for the better preserving the Honour, Dignity and Authority of his Lordship, in the Persons of his Magistrates, in the Administration of Justice, from the Insults, Affronts and indecent Demeanour

Bacon before them, of the Practitioners of the Law, and other Officers and Persons, that have hitherto been so frequent in all the Courts of this Province, as well as out of Court.

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the several Magistrates, Judges of the several Courts within this Province, be, and are hereby authorized and strictly required, to observe the Demeanour of all Practitioners of the Law, before them, as well as all Ministerial Officers, or other Persons who shall use any undecent Liberties to the lessening the Grandeur and Authority of their respective Courts, and to discountenance and punish the same, according to the Nature of the Offence, either by suspending such Practitioner of the Law from their Practice, Perpetually, or for a Time, or to punish such Pracititioners, or Ministerial Officers, or other Persons, by Fine, at the Discretion of such Court before whom such Offence shall be committed, not exceeding Four Thousand Pounds of Tobacco in the superior Courts, nor Two Thousand Pounds of Tobacco in the several County Courts within this Province, on each Offender, for any one Offence.

III. And likewise, all and every the several Magistrates, in the Execution of their Office out of Court, are hereby required, in like Manner, to observe the Carriage and Demeanour of all Persons whatsoever, that shall come before them; and if any Person or Persons shall behave themselves indecently towards any of them (or contemn their Authority when lawfully required to assist them) in the Execution of their Office, or otherwise, it shall and may be lawful for any of the several Courts within this Province, upon Information to them made by any such Magistrate or Magistrates, against any Person or Persons who have so misbehaved themselves, or contemned their Authority, without any Formality in Law, to call such Offender or Offenders before them, and punish them by Fine, Imprisonment, or by Setting in the Stocks, at their Discretion; the Fine not to exceed One Thousand Pounds of Tobacco each Offender; the Imprisonment not to exceed Two Days, nor the Setting in the Stocks above Two Hours, for any one Offience; all which Fines to be levied by Way of Execution, and by such Court applied towards the maintaining a Public School in the County where such Offence is committed.

IV. Provided always, That nothing in this Act shall be construed to lessen the Authorities vested by Law in the sev-

eral Courts, or in any of the Magistrates, before the making of this Act. Bacon

Examined and Compared with the Original Act,
Reverdy Ghiselin
Thomas Bacon

A Supplementary Act to the Act for Appointment of Constables, and what relates to their Office, and ascertaining what Persons are Taxables. Chap. XII

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in case any Constable shall not pursue the Directions of the Act of Assembly (now in Force) relating to his Office, and of this Act, in the taking and returning of Taxables, such Constable shall be fined to the Right Honourable the Lord Proprietor, in the sum of Five Hundred Pounds of Tobacco for each Offence, one Half thereof to the Informer, or him or them that shall sue for the same, and the other Half thereof for the Use of Free-Schools in such County where the Forfeiture shall happen; to be recovered in such County Court, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

II. And be it further Enacted, That in case any Master, Mistress, Dame, or other chief Person of the Family, shall conceal any Taxable, or not give a true Account thereof to such Constable, pursuant to the Directions of the Act aforesaid, that then such Person shall for every Taxable so concealed, or not given in as aforesaid, forfeit the sum of Five Hundred Pounds of Tobacco in Manner aforesaid, to the Uses aforesaid; to be recovered as aforesaid.

III. And it is hereby Declared, That no Person shall be taken as a Taxable that shall not be imported into this Province on or before the First Day of June for that Year.

IV. And be it further Enacted by the Authority aforesaid, That all Warrants issued by any Justice of Peace for the Recovery of small Debts, shall be directed to some Constable of a Hundred, appointed by the Court, unless (at the request of such Suitor) it be directed to some Friend who will serve it gratis; Such Suitor nevertheless being hereby made liable to pay the Constable of the Hundred, where such Warrant is served, his just Fee.

V. And be it further Enacted, That the Sheriff of each respective County, is hereby obliged to return a true and fair

Bacon Copy of the List of Taxables in his County, under his own Hand, yearly, into the Secretary's Office, by the Twentieth Day of September, on Pain of One Thousand Pounds of Tobacco for every Neglect; to be forfeited as aforesaid, to the Uses aforesaid, to be recovered as aforesaid.

VI. And the better to enable the Sheriffs of the several Counties to return Copies of the List of Taxables in each County as aforesaid; Be it Enacted, by the Authority, Advice and Consent aforesaid, That the several Constables of the several and respective Hundreds, in the several Counties, are hereby required to send a Copy of their Lists of Taxables to the Sheriff of their County, at or before the First Day of August, after the taking of such List.

VII. And whereas, it is found by Experience, that there are many single Persons, (who are Free-men,) within this Province, who have not any settled Place of Residence, but make their Abode at such Places where they are employed, and such Employers refuse to give them in as Taxables, they not being constant Residents in their Families, by which Means they frequently escape paying any Tax at all; Be it Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for any Constable of any Hundred, in any of the Counties within this Province, upon finding any such single Person or Free-man in their respective Hundreds, who cannot procure some House-keeper within such Hundred to give him in as a Taxable, nor make appear that he is a Resident, or Taken as a Taxable in some other Hundred or County, to carry such Person or Free-men before the next Justice of the Peace for such County, who is hereby impowered and required to commit such Person, or Free-man, into the Sheriff's Custody, until he shall procure some House-keeper to return him as a Taxable, and be answerable for his Levy.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

Chap. XIV An Act for the Application of such Intestate's Estates as leave no legal Representatives; and for inforcing Proceedings against temerary Administrators.

Whereas it frequently happens that Persons who are possest of considerable Personal Estates die Intestate, leaving no known Relations, or Representatives, legally entitled to the Residue thereof, in which Cases, 'tis observed, some Creditor, or pretended Creditor of such Deceased, most commonly obtains the Administration of his Goods and Chattels, and there-

by becomes legally possess'd thereof, by virtue whereof he not only Satisfies himself, but all other Creditors their just Claims, but likewise retains in his Hands the total Residue of such Estate, and converts the same to his own Use, on Pretence of Securing himself against such latent Debts as may thereafter appear; whereby such Administrator has the sole Benefit of such Goods and Chattels, as he had no other Pretence of Right to, save for the satisfying himself a Debt, and perhaps but a small one, out of the Deceased's Estates: For the more just and better Application of which Residues for the future; Bacon

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every such Administrator as aforementioned, shall be obliged to pay and Satisfy the Balance of such Estates to one of the Public Treasurers of this Province, for the Time being, in the same Manner as such Administrator should have been obliged to pay the same to any legal Residuary Legatee by Law, in case any such should have appeared; to be applied to the Use of Schools, in the same Manner as the additional Duty of Twenty Shillings per Poll on Irish Servants and Negroes, is directed; save that whereas by the Act for the better Administration of Justice in Testamentary Affairs, &c. sundry Particulars of Goods and Chattels are directed to be paid in Specie, according to Appraisement to the Residuary Legatees, in this case such Administrator shall be obliged to pay the said Balance of such Estate, according to the true Value thereof, in Current Money, for the Payment whereof he shall be allowed Twenty per Cent, (That is to say) Ten per Cent over and above the Ten per Cent usually allowed.

III. Provided, That in case such Administrator be of Kin to the Deceased, within the Fifth Degree of either Consanguinity or Affinity, that then such Administrator, and all others that are as nearly related to the Deceased as such Administrator, shall have as good a Right to such Residue, as if he or they were Brothers, or Sisters Children to the Deceased, and such Balance shall be distributed accordingly.

IV. Provided nevertheless, That in case there be a Widow, no Collaterals shall be admitted, others than those directed by an Act of Assembly of this Province, entitled, An Act for the better Administration of Justice in Testamentary Affairs; but such Widow shall have the whole Residue of such Estate; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Bacon V. Provided nevertheless, and be it Enacted, by the Authority, Advice and Consent aforesaid, That in case such Residue shall happen to be paid to such Treasurer as aforesaid, in Default of legal Representatives as aforesaid, and that any legal Representatives of no remoter Degree amongst Collaterals than Brothers or Sisters Children, shall at any Time appear, and prove him, her, or themselves, to be such legal Representative or Representatives, that then the Treasurer that received the Residue of such Estate, if then in his Hands, or the Public Stock of Schools, if applied to their Use, shall be liable, and are hereby obliged to refund to such legal Representative, the Sum that they received on Account of such Residue; and that the same Treasurer or Public Stock as aforesaid, (in case the Administrator shall be obliged to pay any further Debts or Duties that were due from the Deceased,) shall likewise refund to such Administrator the Value of what such Administrator shall be so obliged to pay.

VI. Provided also, That in case such next of Kin shall receive such Balance from such Treasurer or Public Stock of Schools, he shall, and is hereby obliged, on (or before) such Receipt, to give such Administration Bond, with Security according to Law, to refund to such Administrator, such Sums as shall at any Time thereafter be made appear to be due from the Deceased's Estate, and by him regularly discharged, for which he has not been formerly allowed.

VII. And whereas many Widows, or others, having the Deceased's Effects in their Hands, and Right to the Administration thereof, designedly suffer other Persons to Administer, whose Mouths are easily stopped, with Part of the Estate's being delivered them, and bring only such Part of the Appraisement, to the great Dishonour of the Deceased, and Deceit of the Living; For Prevention whereof, as well as of frequent tedious Suits, for the detecting such Concealments; Be it Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for the Commissary-General, for the Time being, on Information or Complaint of any such Concealment, to cause the Person so complained of to be examined upon Oath, before such Commissary-General, or Deputy-Commissary in such County where the Person lives, for the Discovery of such concealed Effects or Estates; upon such Discovery, and refusing or delaying to deliver the Effects so discovered, and to make Satisfaction for the same, to issue an Attachment against such Concealer, to oblige him, her or them to comply therewith.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

An Act for the Encouragement of an Iron Manufacture, within this Province. Bacon Chap. XV

Whereas it is represented to this present General Assembly, That there are very great Conveniencies of carrying on Iron-Works within this Province, which have not hitherto been embraced for want of proper Encouragements to some first Undertakers, althô the Consequences thereof might not only be considerably advantageous to the Persons immediately concerned therewith, but also to the Public Trade of Great-Britain, and this Province; and for that it may so happen that the Lands or Places most proper for the fixing Forge-Mills, and other Conveniencies for the carrying on such considerable Works, may happen to be within the Bounds of any Lands already reserved to his Lordship's Use, or such Lands as are in the Hands or Possession of Persons under Age, or unable to be at the Charge of carrying on such considerable Works, or else such as are wilfully obstinate, to the Hinderance of such Persons as would purchase such Lands or Places as should be fit for the carrying on so great Works, and setting them up, to the Increase of our Trade and Navigation, the Peopling of this Province, and to the Advantage of his Lordship, by the Encouraging the Taking-up such remote and barren Lands as are now entirely useless and uncultivated;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his said Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That if any Person or Persons from and after the Publication hereof, shall desire to set up such Forging-Mill, and other Conveniencies for the carrying on such Iron-Works, upon any Land not before cultivated, next adjoining to any Run of Water within this Province, not being the Estate of Inheritance of such Undertakers, nor leased to them, to the Intent thereon to set such Forging-Mill, and other Conveniencies for the carrying on such Iron-Works, they may purchase a Writ out of Chancery, directed to the Sheriff of the County where such Land lieth, requiring him by the Oath of Twelve Men of his County, to inquire what Damage it would be to his Lordship, or others, to have such Builders or Undertakers invested with an absolute Estate of Inheritance in One Hundred Acres of such Land, proper for the setting up such Forging-Mill, and other Conveniencies for the carrying on such Iron-Works as aforesaid: The Form of which Writ followeth, viz.

"Charles, absolute Lord and Proprietary of the Provinces "of Maryland and Avalon, Lord Baron of Baltimore &c.

Bacon "To the Sheriff of County, Greeting. We command "you, that by the Oath of Twelve honest and lawful Men of "the County, by whom the Truth of the Matter may be better "known, you diligently enquire if it be to the Damage of us "or others, if we grant unto N. N. of N. County, One Hun- "dred Acres of Land lying at in the County afore- "said, as may be most convenient for the building and Setting "up a Forge-Mill, and other Conveniencies, as shall be neces- "sary for the carrying on an Iron-Work. And if it be to the "Damage and Prejudice of us, or others, then to what Dam- "age and Prejudice of us, and to what Damage and Prejudice "of others, and of whom, and in what Manner, and how, and "of what Value the same Land is now, before any other Im- "provement of the said One Hundred Acres of Land, and "who are the present Possessors of the said One Hundred "Acres of Land, and who have the Fee-simple thereof, and "what Lands and Tenements remain to the present Possessor, "over and above the said One Hundred Acres of Land; and if "the said Land remaining to the present Possessors, over and "above the said One Hundred Acres, will suffice to uphold "their Manor, viz. the Sixth Part of their Manor, allotted "them by the Conditions of Plantations, for the Demesne, as "before the Alienation, so as the County, by the Alienation "aforesaid, in Default of the present Possession, more than "was wont not to be charged and grieved; and the Inquisition "thereupon openly and distinctly made to us in our High "Court of Chancery, under the Seal and the Seals of them by "whom it was made, without Delay send, &c."

Upon Return of which Writ, in case the Person or Persons who by the said Inquest shall be found to be the true Owners and Possessors of the Land fit to build a Forge-Mill, and other Conveniencies necessary for carrying on an Iron-Work, shall refuse to build such Forge-Mill, and other Conveniencies for such Iron-Work thereon, within Six Months from that Date to be computed and reckoned, and give Security the same Building to prosecute and finish within Four Years after the Beginning and Laying the Foundation of such Forge-Mill, it shall and may be lawful for his said Lordship, his Heirs and Successors, or for the Governor here, for the Time being, from Time to Time, to grant any such One Hundred Acres of Land fit to build a Forge-Mill, and Conveniencies for an Iron-Work as aforesaid, together with free Egress and Regress to the said Mill, through any Man's Land next adjoining, by the virtue of the Writ aforesaid returned, to be paid to the Owner of the said Land so found and returned as aforesaid; which said Grant to be made as aforesaid, shall be good and available in Law to the Grantee or Grantees as aforesaid, against all

Persons whatsoever; any Law, Custom or Usage to the contrary notwithstanding. Bacon

III. Provided always, That before any Person or Persons whatsoever, shall have such Grant to build a Forge-Mill, and other Conveniencies for an Iron-Work as aforesaid, he or they shall enter into Bond to his said Lordship, with Two sufficient Sureties, in the Sum of One Hundred Pounds Sterling, with Condition to begin to build the said Forge-Mill, and Conveniencies for the Iron-Work as aforesaid, within Six Months then next to come, and the same Building to prosecute and finish within Four Years after such Beginning.

IV. And forasmuch as for the carrying on so considerable a Work, it will be absolutely necessary for the Undertakers, to import, or otherwise retain in their Service, great Numbers of experienced Work-men, and that they must unavoidably be at vast Expences before they can bring such Work to any tolerable Perfection, so as to reap any Benefit therefrom; For their better Encouragement, Be it Enacted, That all such Work-men, or Labourers, as shall be by such Undertakers constantly employed in the carrying on such useful and beneficial Works, shall be exempt from the Paying of Levies for the first Four Years after their being employed in such Work as aforesaid: Provided, That the Number of such Work-men as shall be Levy-free, exceed not Eighty for any one Iron-Work.

V. Provided nevertheless, That in case such Undertakers shall not prosecute such Iron-Work to the Running of Pigs fit for Transportation, within Seven Years next after being seized of such Lands, by virtue of such Writ, in Manner aforesaid, that then it shall and may be lawful for the Person or Persons that were disseized of such Land by virtue of such Writ, to re-enter upon and be re-instated in the same, to all Intents and Purposes, as if such Writ had never been obtained, without being obliged to return any Part of the Purchase-Money for the same.

Examined and Compared with the Original Act,
Reverdy Ghiselin
Thomas Bacon.

An Act Explaining and Declaring particularly what Laws were Repealed by an Act, entitled, An Act Declaring all Laws heretofore made, which have been Re-enacted this Session of Assembly, to be Repealed; and for Reviving the Act for Relief of Ann-Arundel County. Chap. XVI

Whereas at a Session of Assembly begun and held at the City of Annapolis the 26th Day of April, in the First Year of the Reign of our Sovereign Lord George, by the Grace of

Bacon God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. Annoq; Domini 1715, there was Enacted one Law, entitled, An Act declaring all Laws heretofore made, which have been Re-enacted this Session of Assembly, to be Repealed, the repealing Clause in which Act being generally expressed, there has thereby arisen sundry Scruples and Doubts in the Minds of many of the Inhabitants of this Province, what particular Laws those were which were Repealed, and intended only to be Repealed by the aforementioned Act of Assembly; For the Removal whereof,

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several particular Laws hereafter expressed, which were made before the abovementioned Repealing Act, are hereby declared to be the Laws, and none other, which were Repealed, and intended only to be Repealed by the aforementioned Repealing Law (viz)

An Act entitled

An Act for prohibiting the Importation of Bread, Beer, Flour, Wheat or other Indian or English Grain or Meal, Horses, Mares, Colts or Fillies from Pennsylvania, and the Territories thereunto belonging.

One other Act, entitled:

- An Act for Limitation of certain Actions for avoiding suits at Law.
- An Act for the Publication of all Laws within this Province.
- An Act for the Recording of all the Acts of Assembly in this Province in the Secretary's Office, as also Transmitting the Journal of the House of Delegates into the said Office.
- An Act for the Punishment of Adultery and Fornication.
- An Act for the Stay of Executions after the Tenth day of May yearly.
- An Act directing the Manner of suing out Attachments and limiting the Extent of them.
- An Act for the better Administration of Justice in the High Court of Chancery, Provincial and County Courts, speedy Recovery of Debts, directing how small Debts shall be recovered and for the more easy obtaining of Executions against Persons absenting from the Counties where the Judgments were obtained against them.
- An Act for the Punishment of Blasphemy, prophane Cursing and Swearing.

One other Act, entitled:

An Act for rectifying the ill Practice of Attorneys of this Province, and ascertaining the Attorney-General and Clerk of Indictments Fees. Bacon

An Act for securing Merchants (and Others) Tobacco, after they have received it.

An Act for the Directions for the Sheriffs Office in this Province, and for the more easy Payment of the Public and County Levies.

An Act for the Appointment of Constables, and what relates to their Office.

An Act relating to Servants and Slaves.

An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province.

An Act relating to the Standard of English Weights and Measures.

An Act for the taking Special Bail in the several Counties of this Province, upon Actions and Suits depending in his Majesty's Provincial Court.

An Act for the speedy Trial of Criminals, and ascertaining their Punishments in the County Courts when prosecuted there.

An Act for Quieting of Possessions, Enrolling Conveyances, and Securing the Estates of Purchasers.

An Act providing what shall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unnecessary Suits at Law, and pleading Discount in Bar.

An Act prohibiting all Masters of Ships or Vessels, or any other Persons from transporting or conveying away any Person or Persons out of this Province without Passes.

An Act for the better Administration of Justice in Probate of Wills, and granting Administrations, recovery of Legacies, and securing Filial Portions.

An Act imposing Three-pence per Gallon on Rum and Wine, Brandy and Spirits, and Twenty Shillings per Poll for Negroes, for raising a Supply to defray the Public Charge of this Province; and Twenty shillings per Poll on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province, made at a Session of Assembly begun and held at the Town and Port of Annapolis, the Fifth Day of September, Annoq. Domini 1704.

Bacon

One other Act, entitled:

An Act for repealing a Clause in an Act of Assembly, entitled, An Act for Establishment of Religious Worship in this Province, &c. and for appointing the Oath of Abjuration to be taken in this Province, made at a Session of Assembly, begun and held at the Town and Port of Annapolis, the 26th Day of October, 1703.

An Act ascertaining what Damage shall be allowed on Protested Bills of Exchange.

An Act ascertaining Fees to the Attorneys and Practitioners of the Law, in the Courts of this Province, and for levying the same by way of Execution.

An Act for appointing Court Days in each respective County within this Province, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-ninth Day of November, 1708.

An Act to declare how the Forty Pounds of Tobacco per Poll, in such Parishes where there is no Incumbent, shall be disposed of, made at a Session of Assembly begun and held at the Town and Port of Annapolis, the 26th Day of April, 1704.

An Act to reform the ill Practice of High Sheriffs within this Province, made at a Session of Assembly begun and held at the City of Annapolis, the 26th Day of October 1709.

An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof.

An Act for causing Grand and Petit Juries and Witnesses to come to the Provincial and County Courts, made at a Session of Assembly begun and held at the Town and Port of Annapolis, the Fifth Day of December, 1704.

An Act for quieting Differences that may arise between his Majesty's Subjects of this Province, and the several Nations of Indians, of what Place soever, made at a Session of Assembly begun and held at the Town and Port of Annapolis, the Twenty-sixth Day of April 1700.

An Act for Punishment of Persons selling or transporting of any Friend Indian or Indians, out of this Province, made at a Session of Assembly begun and held at the Town and Port of Annapolis, the Fifteenth Day of May, 1705.

An Act for securing Persons Rights to Town Lands, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-fourth Day of October, 1710.

III. And be it further Enacted, That an Act of Assembly made at a Session of Assembly begun and held at the Town and Port of Annapolis, the 15th Day of May, 1705, entitled, An Act for the Relief of Ann-Arundel County, and all Persons, concerned in the Records thereof, lately burnt, be, and is hereby declared to have always hitherto been in as full Force, and Effect, as if the same had never been repealed. Provided nevertheless, That no Person concerned therewith be allowed to make their Claims by virtue thereof, after the Twenty-fourth Day of June, which shall be in the Year of our Lord God, 1720, Saving to Infants, Married Women, Persons of Unsound Mind, Imprisoned, or beyond the Seas, the Liberty of making such their Claims at any Time within Twelve Months after such Impediment removed. Bacon

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

PROCEEDINGS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, April 5–22, 1720.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. U. H. J. Original p. 1

Att a Sessions of Assembly begun and held at the City of Annapolis in the Province of Maryland on Tuesday the 5th day of Aprill in the Sixth year of the Reign of our Sovn Lord King George &c. And in the 5th year of his Lordships Dominion &c Annoq Dom 1720.

Present

His Excellency John Hart Esqr Govr

The Honble	Col Wm Holland Lt Col Saml Young Col Thos Addison Phil. Lloyd Esqr	Col Richd Tilghman Henry Lowe Esqr and Col Matt. Tilgh: Ward	Members of the Upper house

Col John Mackall and Mr Robert Tyler from the Lower House Acquaint his Excellency that there are a Suffi number of their house met to make a house & wait his Excys Commands

The Honble Col Wm Holland sent to the Lower House to Acquaint them that they are Desired to proceed to Business It being too late to night for his Excy to Offer any thing to them p. 2

The said Col Holland returns and says he has Delivered it.

This House Adjourns untill to Morrow Morning Eight a Clock

Wednesday Morning Aprill 6th

This House mett According to Adjournment

Present

His Excellency the Governour

Thomas Brooke Esqr	Col Richard Tilghman
Col William Holland	Henry Lowe Esqr
Lieut Col. Samuel Young	Col. Matt. Tilghman Ward
Col Thomas Addison	and
Philemon Lloyd Esqr	Thos Bordley Esqr

Lt Col Saml Young is Sent to the Lower House to Acquaint Mr Speaker his Excellency requires him with the members of that House to Attend him Imediately at this house, Who returns & Says he has delivered it.

U. H. J. Thereupon M^r^ Speaker with the members of that House Attend his Excy at this House where he is pleased to bespeak them as follows Viz.

p. 3 Gentlemen of the Upper and Lower Houses of Assembly

By a Speciall Instruction from the Right Hon̄ble the Lords Guilford and Propry dated in London 23^d^ March 1718

The Assembly of this Province Stands Prorogued to this present month of Aprill, And thô I am not Hon^rd^ with their Lordships reasons for this unusuall Method of Prorogation yet I am perswaded they must have been Extraordinary, And as I have not their Lordships' Commands ffurther to Prorogue you, it seems to be their Determined Pleasure you Should meet at this their Appointed time, Therefore Use the Opportunity (which in all Probability will be the last I shall have) to recomend to Your Consideration Severall Important affairs for the good Government and Welfare of his Majestys Subjects in this Province

Gentl.

You are Sensible the Act Ascertaining the Gauge & Tare of Tob^o^ hh^ds^ Expires on the 29^th^ day of Sept Ensuing. This Act Contains three ꝑticulars Essential to Your Ease and Prosperity

1^st^ The Provision for the Support of Government.

2^d^ The Equivalent given in Lieu of your Quitt Rents and Alienation Fines And

3^d^ The Regulation of your Tob^o^ trade the Staple and Wealth of Maryland

I must here Acquaint you that I have wrote in very pressing terms to their Lordships for Instructions on the Support of
p. 4 Government, And on the Equivalent for the Quitt Rents, And tho my Correspondents, inform me my Lett^rs^ have been delivered yet I have not rec^d^ their Comands thereon Occasion'd as I presume by the Long Course of Contrary winds which retard the Arrivall of the Ships Expected from London, So that I must Confine myself to Offer my own Sentiments on them.

As for the Support of Government the very mentioning of it Implies the Necessity of a proper Provision to be made for Maintaining the Hon^r^ & Character of your Governour and Other Judiciall & Ministeriall Officers, with which when Ordered to be Laid before you for your Consent your Complyance is not Doubted.

The Law that relates to your Quitt Rents as it now Stands took it's rise from my Observation of the wrongs done the late Lord Propr^{y} in the Collecting, and from the manifold Inconveniencies and Difficultys the Tenants Labour'd under in the paying them. In order to redress both, I proposed the Expedient of Adding Six pence ꝑ hh^{d} to the 18^{d} formerly given to be in full Satisfaction for your Quitt Rents and Alienation Fines U. H. J.

This with much Difficulty (as you may Remember) was Obtained, And now after some years Experience I have the pleasure to find no Propr^{y} has Ever rece^{d} so great an Annual Income as the present Lord has done Since the passing that Act, nor were Ever the Tenants better pleased or more Easy in their Possession

It is Obvious my View in Laying this Scheme was purely to promote a Comon good, this Obliged me to represent it to their Lordships as I now recomend it to you, that it may be again agreed on & Re-enacted, but that you may be Able to Evince the Justice and Conveniency of this Act against the designing Insinuations of its self-Interested Accusers who on pretence of Friendship woud Impose on his Lordship to his own and the Country's Damage, It will require your Care to Compare the Value of the rents that have been annually Collected on the former Establishment with the Sumes that have been paid his Lordships Agent Since the Comencing this Act that Lays the two Shillings on Each hh^{d} Exported by which his Lordship may the Better Judge of his Friends And the Truth of this Position you have time before you And It is the Concern of every Freehold^{r} that falls under your Circumspection in this ꝑticular. p. 5

I am Comanded by his Sacred Majestys Instructions, to take Care that Trade in all its branches be duly regulated in this his Province. I do therefore in his name recommend it to you that the Ascertaining the Gauge and Tare of your Tob^{o} hh^{ds} be not in any wise neglected on the Expiration of the present Act

Gentl. The Claim made by the Papists of a right to hold all Offices in this Government in an Equall degree with the Protestants seems still to be kept on foot by them, Thô some few there are and very few of that ꝑswasion whose prudence renders them more Cautions, Yet I observe they all fforbear making any Renunciation of their Pretensions, And altho the many Defeats they have mett with during my Administration May have discouraged them from an Open procedure, yet It is highly probable they wait a more favourable Conjuncture to put their Designs in practice p. 6

U. H. J. Their Attempts have already given great Uneasiness and heart burnings to his Majesty's faithfull Subjects here And in ꝑticular Created to me your Govr much trouble and Inquietude, I can truly Say my Life has been uncomfortable from that Period I first rejected their Projects, And am now become a Memorable Instance of the Effects of Popish mallice

I am informed there have been late Affronts and Insults Offered by Papists and their Adherents to Others in Authority who fall not into their measures by which it Seems to be their Resolution to Endeavour not Only by Secret Calumnies but even by Violence to terrifie all good men from opposing them. I take it therefore to be absolutely necessary to sett their machinacons in so Clear a Light As I hope will for the future Silence their Clamours or Expose those Disturbers of the Publick tranquillity to the Lash of those Laws that were Long since ꝑvided against them.

I shall not now Entertain you with an Historical relation of Obtaining the first Grant of this ꝑvince nor yett mention the Admrcon of the Government under the late Lord Proprys believing it will Suffice that I acknowledge the Papists had more than an Equall Share with the Protestants in holding Judiciall and Ministeriall Offices here from the date of the Charter 1632 to the year of our Lord 1691, when their Late Majestys
p. 7 King Wm and Queen Mary were pleased to send you a Govr of their Own Appointment. After this Maryland Continued happily Governed for 24 years, the respective Governours in that Space receiving their Comissions and Instructions Immediately from the Crown, of which I had the Last Honr. But so soon as his present Sacred Majesty Condescended to restore the now Lord Propry (on his professing himself a Protestant) to his Hereditary Government the Papists Instantly laid in their Claim to be also restored to their former Pretended Privileges, which when Offered to me for my Approbation by their Principal Agent was dismist with this Answer. I would oppose it to the Utmost of my power. Hence our Troubles took their rise

Upon the first Insurrection of the Rebells in Great Brittain against his Majesty's Person and Government those of the same Evil disposition here were so Elated with the hopes of their Immaginary Success And so Open and Dareing on that presumption that I was Early Obliged to Check and restrain their Follys by a proclamation published the 14th of Febry 1715 to which I referr you for my reason of so doing.

On the 10th of June following (being the Supposed birthday of the Pretender) the great guns of the City were fired off late in the Night these Offenders were soon Discovered by a

reward published in a Proclamation and afterwards punished U. H. J.
according to their Demerritts.

Soon after these Transactions M^r^ Charles Carroll a professed Papist arrived from London with a Commission of so Strange a nature that under pretence of being his Lordship's Agent It Included with his Instructions many Essentiall parts of Government. These He produced to me wherein he had p. 8
Power given him to receive all the mony raised for the Support of Government and Even that for purchaseing Arms for the defence of the Country.

I refus'd indeed to Comply with both these his Demands as being Expressly Contrary to the Laws of the Province And Surely I am Excusable also in Point of Policy for so doing for I should have been by so Servile a Complyance Reduced to the Despicable Circumstance of Applying to him for my bread by Craving of him that Appointment their Lordships were pleased to nominate for my maintenance And also been Guilty of betraying this Country into the hands of a man who by Principle is an Enemy to the Protestant Constitution And this too at a time when the Rebellion was scarcely Suppressed in Great Brittain and other Invasions threatned to Destroy it.

This ꝑson not only renewed his Demand of the mony mention'd for the Support and Defence of the Government in his Letter of the 9^th^ Octob^r^ 1716, But had the Confidence therein to Caution me against passing some Laws the Assembly then Sitting had prepared for my Assent. I shall only Mention one Law I did notwithstanding his Insolent Advice then Pass, Viz.

An Act for the Better Security of his Lordship's Government and the Protestant Interest within this province

The first Publick Occasion this ꝑson Exerted his Comission p. 9
on was to Discharge two Criminals out of Prison (one of them his Nephew) who had been informed ag^t^ for fireing the Great Gunns on the 10^th^ of June, but Convict of more heinous Crimes against his Majesty And this he did Contrary to the Judgment of the Court of Oyer & Terminer held on that occasion, which Obliged me to remand them back to prison untill the Fine Adjudged were Complyed with, And Immediately sent for M^r^ Carroll and tenderd the Oaths which he refused to take For which Reason I required him to Act on his Comission in that Part only which related to his Lordships Private Estate ffor that It was a Publick Affair, And more than Unreasonable that a profest Papist should sett Criminalls att Large who were Convict of so great Crimes ag^t^ our Sov^n^ by only Giveing a line to the Sherr that the Lord Proprietary was Satisfied as to the fine Imposed.

U. H. J. Several Comissions were brought in by M^r^ Carroll some fill'd up to Papists and Others in Blank, and on my refusing to Admitt the Survey^r^ Gen^ls^ of the Eastern and Western Shoar without first takeing the Oaths Appointed by Act of Assembly I was not only menaced for having thereby Shutt up his Lordship's Land Office, but Even Insulted on my sick bed, at a late hour of the Night when in a Dangerous State I was making my Will as some Honble Gentlemen can testify whom I desir'd to be wittnesses on the Occasion.

On my Application to their Lordships to be removed from this Station, rendered unsafe and Dishonourable whilst those Commissions had fforce their Lordships in due time withdrew those Comissions and placed them in the hands of Protestants; and required me to remain in my Station, acknowledging they
p. 10 were Surprized into their fformer Grants to Papists. M^r^ Carrol was Examined by me in Councill concerning his imposeing on their Lordships (then unexperienced in the Affairs of Maryland) by Obtaining such a Commission (which Contained more unlawful Powers than are yett mentioned) who was so farr from Acknowledging his Faults of so high a nature, that with a haughty air he insisted the Roman Catholicks had a right to hold Offices, And if that right should be denyed them they would appeale to Higher Powers.

Pursuant to this Declaration the Papists as I am well informed raised Contributions and Sent their Emissaries for great Brittaine to make good their Claim And by all means to Endeavour my Removall from this Station as a Main Obstacle to their Illegal Practices, and so sure was the Faction of their game that my Ruin was Openly threatened and one of their accomplices (whom the Pleasure of Providence has since removed to another Life) went down on his Knees and with horrid Execrations said, he did not Doubt to see me as fast in Prison as ever he was (who had been so for murder and other Crimes) and my Innocent Children set a begging, truly this unhappy man Aided by the Faction did all that a base mind could perpetrate to Destroy my Character and Fortune, but as He and the Papists could alledge nothing materiall for my Removal which they have attempted for some years past, and my greatest Crime (in their Construction) being the Defence of your Laws Providence has hitherto preserved me from being wholly Offered up a Sacrifice to their Revenge. But
p. 11 It would take up too much of your time to Enumerate the particulars of their Resentments so shall only observe to you if their Fury has been so outragious to the pson of your Governour, what must the People have Expected from men of such Virulent and implacable Spirits, Coud they gain their Ends on those they Esteem Hereticks

How Surprising will this Appear if properly represented U. H. J.
that such things were Acted under the Auspicious Reign of his Sacred Majesty King George the Guardian and Defender of the Faith, And in the Government of a Lord Proprietary who has so Often professed himself of the Protestant Religion under the Tuition of his noble Guardian always of that Perswasion.

How happy might those of the Roman Comunion be in Maryland had they Accepted the Terms offered by me in a publick Declaration which are so Easey as even their Duty required Viz. That they should not Interfere with the Affairs of Government which did not appertain to them And not to Pervert the Protestants from their Faith & by Consequence from their Allegiance As is the Constant Practice of the numerous Jesuits here. Would to God the poor Protestants in fforeign parts now indeed under ꝑsecution on the Score of Religion might be Indulged with the same Lenity the Romanists Enjoy here.

The Papists having Insinuated in Great Brittain that they were ꝑsecuted in this Province, In Order to Obviate that Calumny, I was Obliged at the Opening of the Last Sessions of Assembly to make them a publick Challenge (which I now again repeat) to give one Instance wherein Any of their Comunity were persecuted, or even prosecuted by Law for Conscience Sake. The only Reply made on their part was by a p. 12
Gentleman Who informed me some of the Principal of the Roman Catholicks had shewed him a Paper that was Intended to be presented me by them in which he said they seemed to Acknowledge they had not been ꝑsecuted but at the same time it Contained something which looked like a Claim of Right.

At the Mention of this I Expressed my Dislike to their Claim And doubt not my so doing And the hopes they had of my Sudden Removal from my Station were the reasons that Paper was never offered to me.

Gentlemen.

The Pretence of the Papists that Maryland was granted as an Asylum to them from the Rigour of the Penal Laws in England is a Position of theirs which has long Amused the World and perhaps I am the first that has Discovered or at least maintained it was an Imposition, for they Cannot have a better right than what the Charter Admitts them to, And in my Opinion there is so farr from a ꝑvision being made therein that the Government should be in their hands in any Degree that there is not even an Exception made for the ffree Exercise of their Religion.

U. H. J. It hath been affirmed that Cecilius Lord Baltemore Published a Declaration Inviting all ꝑsons that believed in the Name of Jesus to Settle and Inhabitt this ꝓvince promising
p. 13 them all Equall Privileges yet I presume it will be Admitted that Noble Lord could not give greater Powers than he had

For after all the Privileges and Immunities mentioned in the Charter towards the Conclusion there is this Provision made viz.

" Provided always that no interpretacon be admitted there-
" of by which God's Holy and truly Christian Religion or the
" Allegiance due unto us our Heirs & Successors may in any
" ways Suffer any Prejudice or Diminution

The Charter was Granted by King Charles the first who was a Protestant and Certainly could not Intend this Provisoe in favour of any other Religion than that of which he was a zealous Professor. But to make this more Evident It is Expressly Stipulated in the Body of the Charter that all Churches Chappels and Oratories be dedicated and Consecrated according to the Ecclesiasticall Law of the Kingdom of England.

This so well Explains itself, that It wants no Coment. I am only Surprized from what Latent Cause the Papists derive any Privileges here beyond what the Connivance of the Government may indulge them in.

You may observe from your own Experience and from what I now mentioned that their Pretensions (however ill grounded) have Created great Disturbances in this Government and should they gain their points in View may Possibly one Day prove fatall Even to all his Majesty's Subjects on this Continent considering the prodigious Settlements a formidable nation of their own ꝑswasion are Extending on our Backs. These reflections meritt your precaucon for it is much Easier and Safer to prevent than to Cure an Inveterate Dis-
p. 14 temper Contracted by a long neglected ill Habit in the Constitution.

But that I may not be wanting on my part to Apply proper remedys to these great and Growing Evils, I hope you will Approve of my Intentions of Sending for some Principall Persons of the Papists in Order to Examine them before this Sessions what Privilege they have a right to that they Enjoy not And promise them readily to Concurr with you in allowing them whatever is their due without the Least Violation. But if this fair Occasion will not Induce them to Expose their Claim to a publick Examination; I must own It will Confirm me as I think It may reasonably perswade all mankind besides, that they are Conscious it will not bear the Light.

I Know no right of theirs that is Infringed and if any there U. H. J.
be lett them make it appear (in the name of God) that they may have Justice done them And that this Province may no longer Labour under the Misapprehensions of their right under the Imputation of Severities against them. But if there be none such lett their Silence be taken as an Acknowledgment that their Pretensions are groundless and their Exclamations most Unreasonable

I am the more Intent on this proceeding that I may have the Opportunity of Answering for you here and hereafter, the Better to prevent their Impositions on Strangers to their Case and on the Credulity of unguarded minds by their Amusements.

Gentlemen of the Lower House

I have sev[ll] other Matters proper for Your Consideration
which shall be Comunicated to you by way of Message In p. 15
the mean time I do Earnestly recomend to you unanimity and Dispatch in your ꝓceedings, And I do not doubt (whatever vain hopes Others may have) you will make it Evident to Posterity that you are Good Subjects good Protestants and Lovers of your Country.

Aprill the 6[th] 1720 John Hart.

Thereupon M[r] Speaker & the whole House withdraw.

Put to the Question whether the thanks of this house be returned to the Rev[d] M[r] Sam[l] Skippon for his Discourse this day.

Resolved in the Affirmative nemine Contradicente. Likewise his Excy Desires his thanks to be returned

And Ordered that the Hon̄ble W[m] Holland Esq[r] & Tho[s] Bordley Esq[r] return the said Sam[l] Skippon thanks as above Resolved, And likewise doe the same for his Excy the Gov[r]

This House Adjourns untill the Afternoon

Post Meridiem

This House meet according to Adjournment

Present

His Excellency the Governour

Col Holland	Col Tilghman
Col Young	Esq[r] Lowe
Col Addison	Col. Ward
Phil Lloyd Esq[r]	Thomas Bordley Esq[r]

U. H. J. p. 16 Col Roger Woolford and M^r^ John Brannock two members of the Lower House Acquaint his Excy that they Attend with M^r^ Peter Taylor a member Elected for Dorchester County to see him Qualified

Thereupon the severall Oaths appointed to be taken by Act of Assembly are Administred to the same Peter Taylor Who takes the same Oaths and Signed the Oath of Abjuration and Test according to the directions of the Act af^d^ And soe they withdrew.

Col Holland & Esq^r^ Bordley return that they have given the thanks of his Excy And this House to the Rev^d^ M^r^ Skippon according to the resolve in the Forenoon

In Regard that the Assembly is now Sitting the Question is putt whether the Prov^ll^ Court ought not to be Adjourned

Resolved in the Affirmative Nemine Contradicente.

Thereupon the Question is further put to what time the said Court shall be Adjourned.

Resolved &c that the said Prov^ll^ Court be adjourned to the last Tuesday in this month and that a Proclamation be prepared to give Notice that the said Court will be adjourned to that Time Which Proclamation Issued as follows Viz.

Maryland ss.

By his Excy the Captain Gen^l^ &c.

A Proclamation

p. 17 Whereas the Provinciall Court of this Province Stands Adjourned till the 2^d^ Tuesday of this Instant And for that the Gen^l^ Assembly is now sitting And likely to Continue till the time that Court is appointed to Sitt Therefore that the Business of that Court may not Interfere with that of the Assembly nor the Suitors thereto be disappointed I have by the Advice of his Lordship the Right Hon̄ble the Lord Propr^ys^ Councill thought fitt to Issue this my Proclamation to make publication that the said Court will be Adjourned from the said 2^d^ Tuesday of Aprill till the last Tuesday of the same Month, And do hereby Order and appoint the sev^ll^ Sherriffs of the Sev^ll^ and respective Countys of this Province to make due publication hereof at all Towns Court Houses Churches and Chappels of Ease And others the most ffrequented Places in their Sev^ll^ and respective Countys Whereof they are not to faile at their Perill.

Given at the City of Annapolis under his Lordships the Lord Propr^ys^ Greater Seale at Arms this 7^th^ day of Aprill in the 5^th^ year of his Lordships Dominion &c Annoq Dom 1720.

God save the King and his Lordship

Mr Benjn Mackall and Mr John Caldwell from the Lower House deliver his Excy the following Message U. H. J.

By the Lower House of Assembly
Aprill the 6th 1720

May It please your Excy and Honrs p. 18

This house in Ordr to dispatch Business as much as in them lyes have Entred a Resolve to Sitt from Eight of the Clock till Eleven in the forenoon and from one till five of the Clock in the Afternoon and Desire to Know whether the times appointed be agreeable to your Excy and Honrs

Signed p order M Jenifer Cl Lo Ho.

Whereupon It's Resolved by his Excellency and this House that the following message be prepared and Sent Viz.

By his Excy and the Upper House of Assembly
Aprill the 6th 1720

We approve of your Proposalls as to your times of Sitting.

Signed p Order John Beale Cl Up. Ho.

This House Adjourns untill to morrow Morning Eight a Clock

Thursday morning April 7th 1720

The House meet according to Adjournment

Present

Thos Brooke Esqr	Col Tilghman
Col Holland	Col Ward
Col Young	and
Col Addison	Esqr Lowe

The Petition of Benj Duvall is thus Endorsed

By the Upper House of Assembly
Aprill the 7th 1720 p. 19

The within Petition is referrd to the Lower House to Consider thereof

Signed p Order John Beale Cl Up Ho.

The foregoing Petition with the Answer to the Message from the Lower House about Sitting is sent to the Lower House by Col Addison who returns and Says he delivered the message

U. H. J. The House Adjourns untill one of the Clock in the Afternoon

Post Merediem

The House meett according to Adjournment

Present

His Excellency the Governour

Esq^{r} Brooke	Col Addison
Col Holland	Esq^{r} Lowe
Col Young	Col Ward

Col Ephraim Augustine Herman Attended with M^{r} Roger Laramore and M^{r} W^{m} Dare appears in this House to Qualify himself as a member for Cecill County by taking the Severall oaths appointed to be taken by Act of Assembly And thereupon the said Oaths are administred to him who takes the Same and signed the Oath of Abjuration & Test &c.

The Hon̄ble Tho^{s} Brooke Esq^{r} being Demanded by his Excellency the Gov^{r} to Answer in his place Concerning his signing an Execution for Alexander Contee Clerk of Charles County pursuant to an Order made last Councill, Who answers that he did not signe the same with any Intent or Designe of Prejudice to any ꝑson: which his Excy receives as
p. 20 Satisfaction, which Execution is as follows Viz. Charles Absolute Lord and Proprietarie of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. To the Sheriffe of Prince Georges County Greeting. We Command you that According to Law you Levy from the sev^{ll} ꝑsons in the List hereunto Annext named the sev^{ll} Sums of Tob^{o} from them due and Sett down And when the same or any part thereof you have Collected, That you Account for the same with Alexander Contee Clerk of Charles County Court. Witness Tho^{s} Brooke Esq^{r} President of our Councill of State in this our Province of Maryland This Twenty first day of Decem^{r} Annoq Dom. 1719

Tho^{s} Brooke

The Petition of James Gladstone and Mehitable Parepoint, being Read is thus Endorst Viz.

By the Upper House of Assembly

Aprill the 7th 1720

The Consideration of the within Petition is referred to the Lower House of Assembly

and sent by Col Tilghman who returns and says he delivered the same

This House Adjourns untill to Morrow Morning Eight a Clock U. H. J.

Friday morning Aprill 8th 1720

This House meett according to Adjournment

Present

Thos Brooke Esqr	Col. Tilghman
Col Holland	Esqr Lowe
Col. Young	Col Ward &
Esqr Lloyd	Esqr Bordley

The House Adjourns untill one a Clock in the Afternoon p. 21

Post Merediem.

This House Meett According to Adjournment.

Present

His Excellency the Governour Esqr Brooke, Col. Holland Col. Young Esqr Hall Col Addison, Esqr Lloyd, Col. Ward, Esqr Bordley

Ordered that a new Land Commission be prepared for Charles County And that there be added thereto Mr Saml Hanson and Capt. John Briscoe in the Room of Mr John Parry and Mr Benj Hanson decd

On the Petition of Philip Thomas of Ann Arundell County Complaining that his Servant is run away to the Tuskarora Indians who refuse to deliver the same,

Ordered that the said Indians Deliver the said Servant or shew Cause why they detain him Contrary to the Treatie of Peace made with them last Assembly, And that a Copy of this Order be Delivered the said Petr under the great Seale of this pvince.

Mr John Brannock from the Lower House delivers his Excy The Bill for Reliefe of John Clements which was referred last Assembly to this for ffurther Consideracon

The House Adjourns untill to morrow Eight a Clock

Saturday morning Aprill the 9th 1720

This House meett according to Adjournment

Present

Esqr Brooke, Col Holland Col Young Esqr Hall
Col Addison and Esqr Lowe.

This House Adjourns untill one a Clock in the Afternoon p. 22

U. H. J.

Post Meridiem

The House meet according to Adjournment

Present

His Excellency the Governour

Esq^{r} Brooke	Esq^{r} Lloyd	and
Col Young	Col Tilghman	Esq^{r} Bordley
Esq^{r} Hall	Esq^{r} Lowe	
Col Addison	Col Ward	

His Excellency is pleased to lay before this House his Letter to M^{r} Speaker with the Letter of the Com^{rs} of Customs to their Lord^{ps} with his Lordship's Precept to restore Tho^{s} Macnemara to his Practice and his Excys Speech thereupon on Laying Down the Seales which are as follows Viz

M^{r} Speaker

I Desire you will acq^{t} the House that I inclose you a Copy of a Letter from his Maj^{tys} Com^{rs} of the Customs directed to the R^{t} Hon̄ble the Lord Guilford the first part of that Lett^{r} Contains an Answer to your Address of Grievances (in which I had no part) It lyes therefore on the Assembly to answer for themselves, but I cann^{t} help remarking I am very ill treated in that Letter on the Representation of a Gentl^{n} who has already been but too much a favourer of a Faction here as has been made Apparent by a member of your House M^{r} Rousby to the Commissioners of the Customs. This I speak from my own Knowledge, having Seconded that Gentle-
p. 23 man's Remonstrance to them with Letters to my Friends The Success of which is Evidently known. I say I am ill treated when because you Complain of Grievances to your Country an Occasion is taken from thence to Accuse my Character 'tho I thank God It can be only on Misrepresentation and in Generall terms, yet the Conclusion of the Com^{rs} Letters seem to Levell directly at my Administration in the Chancery Court for I am no further Concerned in the Recovery of the money and the Effects due to his Majesty in this Province then as a Judge of Equity, and for my Conscience I am Answerable to my God alone And Defy the most Invidious of my Enemies to make out Either partiality or Corruption against me And Surely I should have made my Court with a very ill grace to so just and Good a King as his Maj^{ty} is if I should have given up the Property of his Subjects meerly because his Name was Made use of by those employed under him.

This was one Cause why I gave up the Seals, but what more Imediately Obliged me to that Resignation is herewith inclosed

For when I found I could no Longer Maintain the Honour & Dignity of my Station as Chancellor I voluntarily & chearfully gave up my Interest that I might Preserve my Integrity which no Power on Earth can remove from me U. H. J.

Jo: Hart

My Lord. p. 24

We had the Honour of your Lordship's Letter of the 9th Septemr last transmitting to us the Address that had been ꝑsented to the Lord Baltemore and to your Lordship by the Upper and Lower Houses of the Generall Assembly of Maryland wherein Maurice Birchfield Esqr Surveyor Genl of the Southern Continent of America is represented to have putt sevll hardships on the Inhabitants of Maryland by the manner of his Proceeding against the sevll Persons who were Debtors to Merchants that had failed Considerably Indebted to his Majesty for the Duties on Tobo in this Port. We having Examined into his Conduct in those matters do not find the said Birchfield has done any more than his Duty, and we take this Opportunity to acquaint your Lordship that it appears to us by sevll Instances that his Majestys Service has suffer'd by the Obstruction the said Birchfield has mett from Col Hart Lievt Governour of Maryland. We therefore Desire that your Lordship will be pleased to Direct the said Lt Governour not to Obstruct his Majesty's Service under our Management, But that he will be Assisting to the Officers of the Customs in his Government as by Law he is requir'd to do in the due ꝑformance of their Duties as well in putting the Laws in Execution agt Illegal Trade as for recovering the mony & Effects due to his Majesty in that Province

We are, my Lord, your Lordship's
most Hble Servts
Walter Yonge
J Pulteney p. 25
T. Walker

Custom House
13th decemr 1718

Directed to the Rt Honble the Lord Guilford

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore And the Right Hon̄ble Francis Lord Guilford his Guardian To John Hart Esqr our Lt Governour and Keeper of the Great Seale of the said Province of Maryland And in his Absence to our Keeper of the Great Seale of the Province for the time being

Whereas Thomas Macnemara Esqr by an Order made in the Court of Chancery the 10th day of Octobr One Thousand Seven hundred and Seventeen Stands Suspended from his

U. H. J. Practice in the said Court untill he should make his Due Submission, And whereas upon his Application to us against the said Order, we have declared that he ought to make a reasonable Submission before he should be restored to his practice there and the said Thos Macnemara having lately made a Satisfactory Submission to us the said Lord Proprietarie, we have thought fitt that the said Suspension be taken off, And do hereby Order and Direct that you the said John Hart our Lt Governour and Keeper of the Great Seale of the Province, or in your Absence the Keeper of the Great Seal of the Province for the time being do forthwith discharge the said Order and all Orders Explanatory thereof and restore the said Thos Macnemara to his Practice in the said Court

p. 26 Given under our hands and Seals this 26th day of February Anno Domini 1718

Baltimore [Seal]
Guilford [Seal]

To John Hart Esqr Lt Govr & Keeper of the Great Seale of the ꝑvince of Maryland And in his Absence to the Keeper of the Great Seal of the sd ꝑvince for the time being.

These

His Excellency's Speech in Councill at the Delivering up the Great Seals of this Province

Gentlemen.

I must confess myself surprized at the maner of Proceeding to restore Mr Macnemara by a formal Precept to his Practice before me without making his due Submission to me who was ꝑsonally affronted in the Execution of that Office wherein I represented the Lord Propry.

I say I am Surprized because I find this Precept (or order or whatever denomination it may go under for it is a novelty) Contrary to their Lordships Sundry Letters, that Signified their Approbation (even with Encomiums) of what I had done in that matter, And that Mr Macnemara ought not to be restored till he made his due Submission to me. And now to find their Ldships Order him to be Restored without so much as a Letter from them to me (on an Occasion which surely was not Triffling) does indeed Amaze me, and certainly the Support of the Magistrates will Deserve your Attention at Least.

That Affronts were given by Macnemara (and to whom in a Publick Station were they not given by that man of Infamous and Insolent memory) in the Execution of my Office is admitted. These were Vertually affronts to his Ldship, But they

were such Actually to me, and thô I doubt not but his Sub- U.H.J.
mission to their Lordships has Sufficiently Satisfied for Af- p. 27
fronts to them, yett I find thô I desired no Other than a Submission (suitable to the dignity of my Station) there was no Reparation intended me. But on the Contrary the Offender Imposed upon me by this Writt to Practice before me in despight of my Authority And without leaving me any Awfull Power to Influence him into a decent Deportment without which I must observe in the Comon Voice of the Country Justice could not be ministered against the Inclinations or the Interest of his Clients.

It is true the Person is removd by the impartial hand of Providence from giving any further Disturbance, but the Example may be laid hold of by Other Practitioners (and some there are of his Kidney vehement Espousers of a Popish Faction) as to prompt them to use me with such Indecencies as are inconsistent with the Grandeur of even an Inferiour Court, Since they find others have done it at so Cheap a rate. It seems to Threaten wth Entailing affronts upon me if I continue to Act as Chancellor And therefore to Avoid that in a Publick Character, which I never will bear in a private Capacity I have thought fitt to appoint Col W^{m} Holland Chancellor and Keeper of the Seals of this Province And accordingly do now deliver them. I have this Consolation that having so long been Chancellor here And as I was by that Office a Judge of Equity I thank the great Judge of mankind to whom I Appeale I never Violated my Conscience in that Office with Partiality or Corruption.

By the Upper House of Assembly p. 28

Aprill the 9th 1720

Gentl.

His Excellency having comunicated to this House the Papers herewith sent you It seems to us by the Lett^{r} of the Hon̄ble the Comissioners of the Customs that our late Address to their Lordships Concerning the Aggrievances the People of this Province Labour'd under in the Prosecutions of Maurice Birchfield Esq^{r} ag^{t} them has not been so Intelligibly Stated as to give their Lordships nor the said Comissioners a right Conception thereof.

We therefore recommend that, that Address be Again Inspected, that wherein we have heretofore Come short of an Ample State of that matter it may be now Supplyed

Signed ꝑ Order John Beale Cl Up ho.

U. H. J. The foregoing Message with the Several Papers aforementioned Sent to the Lower House by Esq[r] Hall and Esq[r] Lowe who return & say they delivered the Same

The House Adjourns untill Monday morning Eight a Clock

Monday morning Aprill the 11[th] 1720

The House met according to Adjournment

Present

His Excellency the Governor

Tho[s] Brooke Esq[r]	L[t] Col. Tilghman
John Hall Esq[r]	Esq[r] Lowe
Col. Addison Esq	Col. Ward &
Esq[r] Lloyd	Esq[r] Bordley.

p. 29 James Stoddert Esq[r] with Eleven Others from the Lower House deliver his Excy an Address of that House to his Excellency's Speech which being Read is ordered to be Entered And is as follows Viz.

The Humble Address of the Lower House of Assembly

May It please your Excellency.

Whatever the Motives have been that Determined their Lordships to Prorogue the Assembly to this Time (which Doubtless were weighty) we think it our Indispensible Duty to return to your Excellcy our thankfull Acknowledgm[t] of the repeated Instances your Excy has Given us from the time of your first Arrivall of your great Care and Concern for the good Governm[t] and welfare of this Province so for Giveing us the opportunity in pursuance of their Lordships' Appointment for Concerting those important affairs your Excellency has been pleased to recomend to us in your Speech to both houses at the opening of this Session of Assembly which so much respects the good Government and Welfare of his Majesty's good Subjects here which we have very much at Heart and shall Apply ourselves with our Utmost Care and Diligence to the Consideration thereof.

And particularly the Act Intituled an Act ascertaining the Gauge and Tare of Tob[o] hh[ds] &c[a] which Contains so many things Essentiall to the Hon[r] and Interest of His Lordship And the Ease and Prosperity of this Province shall be duly Considered by us in all its branches and we shall readily Joyn

in Concurrence with Your Excellency and the Upper House in U. H. J.
such measures as shall be thought most Proper and Effectuall p. 30
for the Securing and Continuing so great a good (as this by Experience is found to have been) from the Time of the Expiration thereof as it now Stands till the End of the first Sessions of Assembly that shall happen after the twenty ninth day of September next.

And here we Cannot pass this head without again returning our hearty Thanks to your Excy for your Care and Dilligence in Inquiring into and makeing your Just observations from the wrongs done the late Lord Prop^{ry} in the Collecting and from the manifold inconveniences and Difficulties the Tenants then Laboured under in paying the Quitt rents, and for the redress of both the Expedient you proposed of Adding six pence to the Eighteen pence $\overline{p}$ hh^{d} formerly Given to be in full Satisfaction for the whole Quitt Rents and Alienations Fines, which has Proved Equally so Advantageous to his Lordship and Easey to the Inhabitants, And tho it seems to be attended with some difficulty for us to make a Just Comparison between the Value of the Rents that have been Collected before, And the Sumes that have been paid his Lordships Agent on that Account Since the Comencement of the abovementioned Act yet we doubt not but that his Lordship whose Interest herein is so much Concerned and who has a better opportunity for so doing than we have will soon discover the difference And the great Advantage accruing to him from the Latter.

When we Consider and Reflect upon the many Attacks and unnatural Rebellions made and raised in Great Brittain by Papists & their Adherents as Dangerous to the full if not a more dangerous Enemy than themselves ag^{t} the Person and Government of his Most Sacred Majesty King George (whom God long preserve) we the Less wonder at the unwearied and p. 31
restless Attempts of the Papists and their Adherents to disquiet and render your Excy uneasie in your Adm^{rcon} of the Government here who has always with so much Zeale and Resolution Exerted Your Authority in the defence of our present happy Protestant Constitution in Ascertaining our Christian Liberties and Privileges in punishing such as have dared in an Open manner to Attack the former and by your Wisdom Speciall care and Diligence have hitherto disappointed and rendered all their More Private machinations and Contrivances ag^{t} Both ineffectual.

It is no small griefe and Concern to us to observe the ill Treatment your Excy has mett with from time to time from the Party which is too Obvious under their Pretence of having

U. H. J. an Equall Right with Protestants to share in all the Judiciall & Ministeriall Offices and Imployments in this Government, And their continual murmurs and Complaints of hardships and Wrongs done them in that they are not restored to what they call their Right. We know of no Legal right they have to any more than what they Enjoy, And we think they Might have been an happy People, had they Accepted and observed those Easey Terms offer'd them by your Excy which was as well their Duty as Intrest

And here we cannot but Joyn with your Excy in that Christian Prayer to God, that the poor persecuted Protestants in foreign parts might be endulged with the same Lenity the Romanists Enjoy here.

We heartily and readily Concurr with and approve of the wise and Judicious method proposed by your Excellency for Applying ꝑper remedies to those growing Evils your Excellency mentions which if neglected might possibly in time prove fatall to all his Majestys plantations on the Continent and your Condescending goodness notwithstanding all the Provocations you have met with in giving the Romanists such a fair Opportunity for asserting their right if any they have to more or greater privileges than they now Enjoy with a promise Annex'd to allow them whatever appears to be their Due.

p. 32 This being done we presume Cannot faile to render those people Easey and Obviate any Cause of Murmur or Complaint against a Governour and Government from whom they have so much Lenity allowed but at Least if It should faile herein yett we hope It Cannot faile of Enabling Your Excy according to your kind intimation of answering for us both here and hereafter and of preventing their Impositions on Strangers to their Case and on the Credulity of unguarded minds by their Amusements.

What other matters and things your Excy shall think ꝑper during this Sessions to Comunicate to us by way of Message shall be duly Considered as they come before us And we hope our Unanimity and Speedy Dispatch of the ꝓceedings of this Sessions will be a Suff^{t} Evidence not only to the ꝓsent age but to Posterity that we are good Subjects good Protestants and hearty Lovers of our Country

Signed ꝑ Order M Jenifer Cl Lower House

The House Adjourns untill One a Clock in the Afternoon

Post Meridiem U. H. J.

The House mett According to Adjournment

Present

Esq[r] Brooke	Col Holland	Col Young	Esq[r] Hall
Col Addison	Esq[r] Lloyd	Col Tilghman	Esq[r] Lowe
Col Ward	Esq[r] Bordley		

His Excys Answer to the Lower houses Address

Aprill the 11[th] 1720

Gentl of the Lower House.

Your Address of this day Is very Acceptable to me, For p. 33
which I return my hearty thanks

I look upon it as a great ffelicity that after so many Years Residence amongst you as Gov[r] I find my Adm[rcon] to your Satisfaction, And my pson in Esteem of the Best and (with pleasure I can say) much the greatest number of his Majestys Loyall Protestant Subjects here

I must at the same time Acquaint you that I intend soon to make the proper use of his Sacred Majestys Licence of leave to return for Great Brittain for the Establishment of my health, And when I shall be there permitted to give an Account of my Own Conduct and of the Misconduct of Others in relation to this Government, I then propose to be a Suppliant for my Quietus, from my Station I do not think Consistent with the Character I have hitherto (by the permission of Providence and favour of the Crown) acquired, And which I think incumbent on me to maintain, yett whatever Cond[n] of Life it shall please God to allot me, my Zealous Assiduous and Affectionate Application to promote the Welfare and prosperity of Maryland, shall never be wanting to the Utmost of my Capacity.

Jo Hart

His Excellency's foregoing Answer Sent to the Lower House by the Honble Col Holland Esq[r] Hall Col Addison Col Tilghman Esq[r] Lowe and Col Ward Who return and say they Delivered the same

This House's Address to his Excellency in Answer to his Speech being read is ordered to be Entered which is as followeth Viz

The humble Address of the Upper House of Assembly

Aprill 8[th] 1720

May It please y[r] Excy p. 34

We begg leave to return our Most hearty thanks for your Speech at the Opening this Session, by which your Care for

U. H. J. the good of Maryland is most Conspicuous And as this Time of our meeting seems agreeable to their Lordship's directions so we must acknowledge it is not unsuitable to our private Affairs, and therefore shall the more Cheerfully apply our selves to the Dispatch of those Important Exigencies your Excy is pleased to Recomend to us.

The Act for Ascertaining the tare & Gauge of Tob° hh^ds &c. procured by your Endeavours is so Essentiall to the Support of Government Incouragement of Trade and Promotion of the Comon good that it requires our thanks to Your Excy and our Care for it's Continuance And we perswade ourselves that the Experience his L^dship has had of the Equivalent in that Law for his Quitt Rents and Alienation Fines will readily Induce him to Assent to it notwithstanding the Endeavours of Self Interested persons to the Contrary.

We think it Strange thô true that the Roman Catholicks should yett Continue to Insinuate that they have a right to Imploy Offices in this Government in Equall Degree with the Protestants after what their Lordships and your Excy have on Sev^ll Occasions been pleased to Declare against it, But least they should fancy themselves better informed of their Privileges than our Proprietary himself (who they must allow to be well acquainted with them) we desire your Excy will be
p. 35 pleased to pursue the methods you have proposed of sending for some of their Principals to make appear their Right if any they have, w^ch that they may be the More Encouraged to proceed to, we declare we will readily Joyn with your Excy in doing them all the Justice that their Case Requires, Yett we must farther declare that we know not of any right they have which they do not now Enjoy, but if they slight this opportunity of makeing their right appear, as they have hitherto, all others that have been Offered them, they must impute it to themselves if we declare their Claim insupportable and take the Liberty to say their Enjoying too great Indulgencies have made them Troublesome

Your Excys Indefatigable Indeavours to Oppose these uneasey People in their Unjust Pretentions and to Maintain the Justice of our Conduct in relation to them as well as your good Inclinations to Answer for us very Justly Engage our Affections to your person and Character.

It is no wonder that your Excys Conduct is Vilifyed by those whose practices your Authority is intended to restrain your faithfull discharge of duty in the trust reposed in you, must needs have a different Effect upon the minds of Contrary parties, And we can truly affirm that according to the Strictest Observations we are able to make, your Administration is

generally (not only approved but) applauded by all those here U. H. J.
that are really well wishers to his Majesty's Succession And
the Protestant Interest; But as in all the Governments we
Know there are some malcontents, so in this there are some
Jacobites and Papists. The former of these whatever Zeale
they profess for the Church We still find most Sedulous Ad-
herents to the Latter in all matters of remark wherein they
disapprove you And we are Sorry to acknowledge it more than
probable that some of his Majestys faithful Protestant Sub-
jects may have Slipt into a precipitancy of Judgment by the p. 36
false Insinuation of these ill Principled men. But if those
that are so Abused into Misunderstanding will please to make
an Impartiall inquiry, we are Confident they will not fail to
Joyn with us in Opinion that they who affront and Spurn at
your Excy and Others in Authority here are Generally of the
same party and Faction with those in Great Brittain that In-
deavour to disturb his Majesty's most Glorious Reign.

It is with much Concern that we observe the machinations of these dissatisfied men should so farr influence your Excys Affairs as Even to Incline you to leave us, And tho by this they seem to gain a point, yet we hope your Justice and Fidelity will so Evidently appear to his Majesty and the Lord Prop^{ry} that we may still have the pleasure to see Them faithfully Served and this Province happily Governed by the Continuance of your Excys Adm^{rcon} which for their Hon^{r} and our Countrys Welfare we are bound to pray for

Signed p Order John Beale Cl. Up Ho.

The foregoing Address Carryed to his Excy by Col Holland Col Young, Esq^{r} Hall Col Addison Esq^{r} Lloyd Esq^{r} Lowe, Col Ward & Esq^{r} Bordley.

The House Adjourns untill to morrow morning Eight a Clock.

Tuesday Morning April 12th 1720

The House meett according to Adjournment

Present p. 37

His Excellency the Governour

Esq^{r} Bordley	Col Addison
Esq^{r} Brook	Esq^{r} Lloyd
Col. Holland	Col Tilghman
Col Young	Esq^{r} Lowe &
Esq^{r} Hall	Col Ward

U. H. J. His Excellency's Answer to this house's Address being delivered by his Excy to this house is ordered to be Entered, and is as follows viz.

Gentl of the Upper house of Assembly

The generous Zeale you Express for the Welfare of your Country and your vigorous resolutions to oppose all such as shall break in on your Constitution as they are Effects of your Wisdom and Fortitude so they Cannot faile of the Approbation of all Good Subjects and Good Protestants. I do with a gratefull mind acknowledge that It is in good Measure Oweing to your just Steady and well Concerted Councills that my Adm^{rcon} has mett with the Applause you are pleased to Mention, For which and for so many repeated Instances of your Esteem, I give you my Sincere and Hearty thanks And shall ever Preserve your Address as an Honour to my Family.

I assure you I am farr from having Inclinations to leave you by a Voluntary Choice And accept of the Concern you shew on that Occasion as another Endearing mark of your good will towards me and sett too high a Value on your opinion to forfeit it by Lessening that Honour which is due to the Dignity of your Gov^{r} or by prefering my Interest to my Integrity.

Jo. Hart.

p. 38 M^{r} Tyler and M^{r} Lloyd from the Lower house deliver to his Excy these three following Bills which bills with the Endorsem^{ts} thereon are as follows Viz.

A Bill for the reliefe of Ephraim Gover and to Invest him with an Estate of Fee simple in the Land therein mentioned

By the Lower House of Assembly
Aprill the 11th 1720
Read the first and Ord'd a second Reading to morrow
Signed p order M Jenifer Cl. Lo. Ho.

By the Lower House of Assembly
Aprill the 12th 1720
Read the Second time and will pass
Signed p order M Jenifer Cl Lo Ho.

A Bill for the Naturalization of Herman Kinkee & Others &c.

By the Lower House of Assembly U. H. J.

Aprill 12th 1720

Read the first and Second times by Especiall Order and will pass

Signed p Ordr M. Jenifer Cl. Lo. Ho.

A Bill vesting in the Rector and Vestrymen of Wm and Mary Parish in St Mary's County and their Successours &c.

By the Lower House of Assembly

Aprill the 11th 1720

Read & Ordered a second reading to Morrow

Signed p Ordr M. Jenifer Cl. Lo.Ho.

Aprill the 12th 1720.

Read the second time and will pass

Signed p order M Jenifer Cl Lo Ho.

The House Adjourns untill the Afternoon one a Clock

Post Meridiem

The House meett according to Adjournmnt p. 39

Present

His Excellency the Governour

Thomas Brooke Esqr	Col. Addison
Col Holland	Esqr Lowe
Col Young	and
Esqr Hall	Esqr Bordley

Ordered that Esqr Bordley have leave from this House to Attend the Lower House on his private Affairs

John Rousby Esqr and Mr Caldwell from the Lower House deliver his Excy A Bill reviving and Continueing the Act Entituled An Act for Ascertaining the Gauge & Tare of Tobo &c. which was thus Endorsed by that house Viz.

Read the first and Second times by Especiall Order and will pass.

As also a Petn of John Peter Zenger &c thus Endorsed.

By the Lower House of Assembly

Aprill the 12th 1720

May It please yr Honours

On reading the within Petn tis thought reasonable that the Petitioner have the Liberty of printing the Bodys of Laws of

U. H. J. each Sessions for the sev[ll] Countys as also one for the Prov[ll] Court One for the Upper House and one for the Lower House of Assembly And that he Bind the same with Leather And be Allowed for Each Body Seven hundred pounds of Tob° with which we desire your Concurrence Especially Considering it will be a means to promote the Carrying on so necessary a work amongst us

Signed p Order M Jenifer Cl Lo. Ho.

p. 40 To which was Prepared the following Message.

By the Upper House of Assembly

Aprill the 12[th] 1720

This house Agrees as above Proposed.

Signed p order John Beale Cl Up Ho.

The above Petition Sent by Col Ward who returns & Says he delivered the same.

The Bill for the Naturalization of Herman Kinkee & Others &c being read in this House is thus Endorsed Viz.

By the Upper House of Assembly

Aprill the 12[th] 1720

Read the first time and will pass with the Addition of the words (after the Crown of Great Brittain) within this Province.

Signed p order John Beale Cl Up Ho.

The Bill for vesting in the Rector and Vestry of W[m] and Mary Parish &c.

Read in this house is thus Endorst Viz.

By the Upper House of Assembly

Aprill the 12[th] 1720

Read the first time and will pass.

Signed p Ord[r] John Beale Cl Up Ho.

The Bill for reliefe of Ephraim Gover and to Invest him with an Estate in Fee simple in the Lands therein mentioned, Being read in this House is thus Endorsed:

By the Upper House of Assembly

Aprill the 12[th] 1720

Read the first time and will pass.

Signed p Ord[r] John Beale Cl Up Ho.

The foregoing three Bills sent to the Lower House by Col Holland who returns and Says he Delivered it U. H. J. p. 41

The Petition of John Deavour &c. being read is thus Endorsed Viz.

By the Upper House of Assembly

Aprill the 12th 1720

Read and referred to the Consideration of the Lower House

Signed p order John Beale Cl Up Ho.

The foregoing Petition Sent to the Lower House by Esqr Hall who returns and Says he Delivered the same.

Mr Joseph Hill and Mr Richard Warfield two Members from the Lower house acquaint his Excy that they Attend to see Amos Garrett & Benjamin Tasker Esqr two Delegates Elected for the City of Annapolis Qualified &c.

Who thereupon take the Sevll Oaths appointed to be taken by Act of Assembly and Signed the Oath of Abjuration & Test and so withdraw

His Excellency the Govr pursuant to the Resolve of both Houses proposes that notice be given to the Most Eminent of the Papists which is agreed upon in Manner following

By his Excellency the Governour With the Concurrence of the Upper and Lower houses of Assembly now Sitting

Aprill the 12th 1720

Resolved that whereas the Papists have Given out in Speeches that they have a right to some Privileges which they do not now Enjoy they or such of them as shall think fitt do Appear before his Excy in the Upper House of Assembly at the Councill Chamber by Saturday the Sixteenth Instant or any Other Convenient Time they desire dureing this Sessions to make Appear what Privileges of theirs are infringed by the present Admrcon of Governmt both houses having Concurred with his Excy And promise to do them all the Justice that their Case requires, But that their failure herein will be taken as a reliction of their Pretensions p. 42

Signed p Order John Beale Cl Up Ho.

Off which Resolve Several Coppys are made and sent to the Severall Sherriffs in Order to be delivered to the said Eminent Papists Viz. Charles Carroll, James Carroll, Henry Darnall, Wm Diggs, Benjn Hall, Clement Hill, Henry Darnall Junr, Wm Fitz Redmond, Henry Wharton, Chars Diggs, Peter

U. H. J. Attwood a Priest, Major Nicholas Sewall, & M^r^ Richard Bennett.

The House Adjourns untill to morrow at Eight a Clock.

Wednesday morning Aprill 13^th^ 1720

The House meett according to Adjournment

Present

Esq^r^ Brooke	Col Addison
Col Holland	Esq^r^ Lowe
Col Young	Col Ward

M^r^ Jones & M^r^ Wailes from the Lower House deliver Esq^r^ Brooke A Bill for Confirming the Last will and Testament of W^m^ Bozman of Somersett County dec^d^ w^ch^ is thus Endors^t^ Viz.

By the Lower house of Assembly

Aprill 13^th^ 1720

Read the first and Second Times by Especiall order and will pass Nemine Contradicente

Signed p Order M Jenifer Cl Lo. Ho.

Which being read M^r^ Bordley on his motion to this house is Admitted as Council for W^m^ Bozman ag^t^ the passing the af^d^ Bill.

By the Upper house of Assembly

Aprill 13^th^ 1720

His Excellency having Comunicated to this House a Letter directed to him from the Hon̄ble Tho^s^ Addison Esq^r^ one of our Memb^s^ wherein he makes mention of a Petition preferred
p. 43 to your house ag^t^ him, the Copy whereof has been produced to us under Your Clerk's hand by which It appears he stands Charged with great partiality in the Execution of his Office as a Land Commissioner and the said Tho^s^ Addison Esq^r^ having represented to us that the said Petition without his being ever Called to answer thereto is by Your house referred to the Consideration of the next Sessions of Assembly by which means he is not only deprived of the present Opportunity of Justifying his Conduct in the discharge off his Office af^d^ but ffurther declares he Cannot think it proper for him to Act in those Other Eminent Stations he has the Hon^r^ to be advanced to, in this Government untill he shall have acquitted himself of the Facts imputed to him in the said Petition And forasmuch as We think it unreasonable that any Gentl^n^ and Especially

those that Occupy such Honble Imployments in the Govern- U. H. J.
ment should be taxed after such an Indecent Manner with notorious Crimes And be denyed a Speedy opportunity of Justifying themselves, We therefore in the Most pressing manner desire that a day may be Assigned dureing the Continuance of this Session for the Examination of the facts sett forth in the said Petition, And to give the said Thos Addison Esqr an opportunity of Answering for himself and as an Inducement thereto we have herewith sent you the Letter before mentioned whereby you may perceive what Scandalous Liberties have been takn to abuse him on other occasions And we the more earnestly press this Matter to your Consideration as a member of this House is Concerned therein

Signed p Order John Beale Cl Up Ho.

The foregoing Message Sent to the Lower House by Col Young and Col Ward.

The House Adjourns untill One of the Clock in the Afternoon

Post Meridiem

The House meett according to Adjournment p. 44

Present

His Excellency the Governour

Thomas Brooke Esqr	Esqr Lloyd
Col Holland	Esqr Lowe
Col Young	Col Ward
Esqr Hall	and
Col Addison	Esqr Bordley

The message sent in the forenoon relating to Col Addison by Col Young & Col Ward, return and say they delivered the same

Mr Warfield and Mr Dollahide from the Lower house deliver his Excellency

A Bill for the reliefe of Benja Howard in making Good the Survey of Howard's purchase

Which is thus Endorst

By the Lower House of Assembly

Aprill 13th 1720

Read the first and Second times by Especiall order and will pass. Signed p Ordr M Jenifer Cl. Lo. Ho.

U. H. J. The Bill for reviving the Act for the Gauge and Tare of Tob° Hh^ds &c being read is thus Endorst Viz.

Whereas his Excy the Gov^r Observes to this House that he has no Instructions Concerning his Lordships Rents and therefore desires a Provision may be made in the Bill herein to be revived with these words (Provided) that in Case his Lordships Approbation of this Act be not Signifyed by the 29^th of September next that then the said 2 shills p hh^d to be Collected after the s^d twenty ninth of September shall be paid to the publick Treasurers of this Province to the use of his Lordship without any Deductions if he shall afterwards Signifie his Approbation thereof but if his Dissent be Signifyed thereto then that It shall be applyed to the use of the Publick in such manner as the Generall Assembly thereafter shall appoint.

p. 45 Which with the Amendments above proposed will pass

Signed p order Jo: Beale Cl Up. Ho.

The above bill Sent by Esq^r Lloyd to the Lower House who returns and Says he delivered the same

The Petition of Tho^s Bordley Esq^r & Tho^s Larkin to his Excy And this house &c is thus Endorst Viz.

By his Excy the Gov^r and the Upper House of Assembly

Aprill the 13^th 1720

The within Petition being read is recommended to the Lower house for their Consideration thereof

Signed p Order John Beale Cl Up Ho.

And Sent to the Low^r House by Col Ward who returns and Says he Delivered the same.

Col Mackall and M^r Wailes from the Lower House deliver his Excy these three foll Engrost Bills.

A Bill for the naturalizeing Sev^ll psons &c.

A Bill for the vesting in the Parish of W^m and Mary &c.

A Bill for Reliefe of Samuel Gover &c.

M^r Lloyd and M^r Wailes from the Lower House deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill 13^th 1720

May It please your Excy and Honours

This House being informed that there are sundry misfeazances Committed in the Land Office wherein is Concerned

the most Valuable Estates we and our Posterity are likely to U. H. J.
Enjoy And whereas the Greatest Caution is Necessary to be
given by ꝑsons Enjoying places of so great Concern we take
it indispensibly to Lie on us to represent our thoughts on this
Occasion to your Excy and Hon^rs whom we Entreat to Enter
into such measures as may be most conducive for the Security
of so lasting and great an Interest for the future w^ch pre-
caution we Humbly think necessary to be used with the Other p. 46
great Officers in this province we apprehending there has
been no Security already given on such Occasions nor any
Oath for the due Execution of their Offices.

Signed ꝑ ord^r M. Jenifer Cl Lo Ho.

Major Colegate and M^r Dollahide from the Lower House deliver his Excy

A Bill for Reliefe of John Deavour of Baltemore County which is thus Endorst

By the Low^r house of Assembly

Aprill 13^th 1720

Read the first and Second times by Especiall Order and will pass. Signed ꝑ Order M Jenifer Cl Lo Ho.

This House Adjourns till to morrow morning Eight a Clock

Thursday morning Aprill 14^th 1720

The House meett according to Adjournment

Present

His Excy the Governour

Thomas Brooke Esq^r Col Holland Col Young Esq^r Hall Esq^r Lloyd Esq^r Lowe Col Ward & Esq^r Bordley

These three following Engrost Bills Viz.

A Bill for the naturalization of Herman Kinke &c.

A Bill for Vesting in the Rector and Vestry of William and Mary Parish &c.

A Bill for the reliefe of Ephraim Gover &c. Being Sev^lly read are Severally thus Written

April 14^th 1720.

Read & Assented to by the Upper House of Assembly And p. 47

Signed ꝑ Order Jn° Beale Cl Up Ho.

U. H. J. Col Herman and Mr Dare from the Lower House deliver his Excy the following Viz.

By the Comittee of Aggrievances

Aprill the 13th 1720

It being offered to this Comittee as an Aggrievance that the Sherr of Cecill County Mr James Vanbeber having laid an Account of Insolvent Taxables before the Court of the same County amounting to Eight or nine Thousand pounds of Tob° Alledging that the ꝑsons were Some dead and Others had Absented themselves out of the said County on whose Affirmacon the bench was pleased to Allow him the said Sherr the full ballance of his Account. But on Inspection since it is found that great part of those Insolvent taxables (as he Alledged) are good and Substantiall and had paid their whole Taxes to him the said Sherriffe before his Offering the said Account to the Court as by his Receipts in the hands of the ꝑsons be made appear.

Which being thought an Aggrievance by this Comittee is Offered to the House for their Consideration thereof.

Signed ꝑ Order Phil Hamond Cl Com.

Which was thus Endorst

By the Lower House of Assembly

Aprill the 14th 1720

This house Concurrs with the within report and referr the same as such to the Consideration of his Excy the Governour and Councill for Redress.

Signed ꝑ Order M Jenifer Cl. Lo. Ho.

Mr Tyler and Mr Lee from the Lower House deliver his Excy the following Message Viz.

p. 48 By the Lower House of Assembly

April 14th 1720

May It please Your Honrs

This House having before resolved on a Referrence of the Petition agt Col Addison And the other Land Comissioners of Prince Georges County according to the usuall and Deliberate practice thereof as well as Other petitions of the same nature wherein diverse members of this House are Interested so that the parties Complaining not Expecting any Determination of this affair this Sessions cannot be presum'd to be prepared to make good the Sevll Allegations in the same Petition And

consequently might be Surprized should we Assent to a De- U. H. J.
termination as prayed, for which reasons we are Sorry we Cannot Come into the Measures proposed by his Excy & your Hon^rs

Signed ꝑ Order M Jenifer Cl Lo Ho.

To which last foregoing message by M^r Tyler & M^r Lee the following Message is prepared Viz.

By the Upper House of Assembly

Aprill the 14^th 1720

Gentl. So farr as your message by M^r Tyler and M^r Lee relates to the redressing any generall Aggrievance or to the hearing the Complaints of ꝑticular ꝑsons that have not a Right to another kind of Judicature, We intend not to Interfere with the proposalls of Your House but so far as the Subject matter thereof relates to the Conduct of a Member of this house in the Execution of a Comission from the Government It seems to be the more Rightfull Province of his Excy And this House to Consider thereof. But least there should be any Misapprehensions Betwixt the Two Houses on this Occasion And for that Preservation of a mutuall Respect and p. 49
good Agreement betwixt them we propose that you Joyn some Members of your house that are not Interested in the Affair to Conferr with Phil Lloyd Esq^r Col Matt. Tilghman Ward and Tho. Bordley Esq^r of this House in the Conference Chamber about the Subject Matter touched on by your above mentioned Message

Signed ꝑ order John Beale Cl Upp^r House

The above Message Sent to the Lower house by Col. Holland Col Young Esq^r Hall Esq^r Lloyd Esq^r Lowe Col Ward and Esq^r Bordley, who return & Say they delivered the same.

A Bill for the Relief of John Howard &c. being read, Tho^s Bordley Esq^r on his motion is Admitted as Councill to Speake to the af^d Bill. And the af^d Bill is thus Endorst Viz.

By the Upper House of Assembly

Aprill the 14^th 1720

Read the first and Second times & will pass

Signed ꝑ Order John Beale Cl Up ho.

And Sent to the Lower House by Esq^r Bordley who returns and Says he delivered the same

U. H. J. Mr Lee with thirteen more members of the Lower House deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill the 14th 1720

May itt Please Your Honrs

In Answer to your Message by Col Holland and Six more this house has thought reasonable to grant the Conferrence therein proposed And therefore have appointed Mr Philip Lee Mr Joseph Hill John Rousby Esqr Mr George Dashiell Mr James Lloyd & Col Ephraim Augustine Herman to Joyn the Gentl of your house in that message Mentioned who will be ready to Attend in the Conference Chamber at three of the Clock in the Afternoon

p. 50 Signed p Ordr M Jenifer Cl Lo. Ho.

The House Adjourns untill one a Clock in the Afternoon

Post Meridiem

The House meett according to Adjournment

Present

His Excellency the Governour

Esqr Brooke	Esqr Hall
Col Holland	Esqr Lowe
Col Young	Col Ward

Mr Tyler and Mr Woolford from the Lower House deliver his Excy An Engrost Bill for reviving and continueing the Act Entituled An Act for ascertaining the Gauge and Tare of Tobo hhds &c.

As also a bill to Confirm a Deed of Bargain and Sale from Francis Swanson to Thos Plumer

Which was thus Endorst Viz.

By the Lower House of Assembly

Aprill the 14th 1720

Read the first and Second times by Especiall Order and will pass

Signed p Order M. Jenifer Cl Lo. Ho.

As also a bill to Supply Certain Defects in the Conveyance of Lands from Henry Gibbs Son & Heir of Edward Gibbs to

Benjamin Lawrence & John Belt & Uxor. Which was thus U. H. J.
Endorst Viz.

By the Lower House of Assembly

Aprill the 14th 1720

Read the first and Second times by Especiall Order and will pass. Signed p Ordr M Jenifer Cl Lo Ho.

James Stoddert Esqr and Mr Crabb from the Lower House deliver his Excy

A Bill to Enable Benjamin Duvall of Prince Georges County to Sell two Hundred Acres of Land &c.

Which was thus Endorst Viz. p. 51

By the Lowr House of Assembly

Aprill the 14th 1720

Read the first and Second times by Especiall Order and will pass. Signed p Order M Jenifer Cl Lo Ho.

Esqr Lloyd from the Conference appointed upon the Petition of Col Thos Addison & other Gentlemen Land Commissioners of Prince Georges County &c. Delivers his Excellency the following return Viz.

Att a Conference held in the Conferrence Room on the 14th of Aprill 1720 upon the Petition of Col Thos Addison and Other Gentl Land Comissioners of Prince Georges County moveing to be heard upon a Complaint made agt them by Mark Brown.

Present

The Honble { Phil Lloyd Esqr / Col Matt Tilghman Ward / Thos Bordley Esqr } off the Uppr House

The Honble { Mr Phil Lee / Mr James Lloyd / Mr Joseph Hill | John Rousby Esqr / Col Ephr. Herman / Mr Geo. Dashiel } of the Lowr house

Who make Choice of Phil Lloyd Esqr for Chairman and Accept of Philemon Hamond as Clerk and pceed as follows.

Upon the proposall by the Chairman that notice be sent to Mark Brown the Complaint to provide himself with such Evidences as he shall think necessary and Attend the present p. 52
Genl Assembly to make out his Charge agt him the said Thos Addison and Others the Land Comissioners afd if such the

U. H. J. said Brown's Evidence can be procured dureing this Sessions, Otherwise It might be referred

The Gentl Conferrees of the Low^r House having duly Considered of the above Proposition do Conceive that as this Sessions is likely very Speedily to Conclude, And that Entring upon this Affair would ꝑhaps be a means to Continue the same a Considerable time Longer they think it more for the Intrest of the Country to Continue the former resolution of referring the Same to the Next Sessions.

Signed ꝑ Order Phill Hamond Cl Conf.

Which being read It's Resolved by this House that the Affair af^d so farr as it relates to the Conduct and Character of the af^d Col Addison And the other Land Com^rs is properly Cognizable before this house And that the af^d Mark Brown be sent for and have Orders for the bringing of his Evidences with all Conven^t speed to prove his Allegations in His said Petition set forth this Sessions.

His Excy the Gov^r informs this house that Col. Tho^s Addison a member thereof has been affronted by Dan^l Dulany a Practitioner of the Law by Calling him a Little Rascalous Fellow

And Desires of this House to know what redress can be
p. 53 made to that member Considering that as his Excellency is pleased to Observe that the said Col. Addison is an honest Protestant and Lover of the King and Country And that the said Dan^l Dulany is a noted favourer of the Papists.

The House Adjourns untill to morrow Eight a Clock

Friday morning Aprill the 15^th^ 1720

The House meett according to Adjournm^t

Present

Esq^r Brooke	Col. Holland	Col Young
Esq^r Hall	Col. Addison	Esq^r Lloyd
Esq^r Lowe	Col. Ward	Esq Bordley

The Bill to Enable Benjamin Duvall to Sell Entailed Lands &c^a is thus Endorst Viz.

By the Upper house of Assembly

Aprill the 15^th^ 1720

This bill being twice read will pass

Signed ꝑ Order John Beale Cl Up Ho.

And Sent to the Low[r] House by Col Holland, who returns U. H. J.
and Says he delivered the same.

A Bill to Invest an Estate in fee to John Clements &c. is thus Endorst Viz.

By the Upper house of Assembly

Aprill the 15[th] 1720

Upon reading the within Bill and on a full hearing of Severall Evidences produced that was wanting last Sessions this Bill will pass.

Signed ꝑ Order Jn[o] Beale Cl Up ho.

A Bill to Supply certain Defects in the Conveyance of Land from Henry Gibbs &c. is thus Endorst Viz.

By the Upper House of Assembly

Aprill 15[th] 1720

This Bill being read will not pass for that It may Occasion future Disputes And possibly require a repeal Next Sessions for want of it appearing that Notice was given to the Heirs of p. 54
Gibbs who tis thought reasonable should have notice of this ꝓceeding.

Signed ꝑ Ord[r] John Beale Cl Up Ho.

Sent by Col Young to the Lower House who returns and says he delivered the same

The following Message prepared Viz.

By the Upp[r] house of Assembly

Aprill the 15[th] 1720

His Excellency takeing notice that the members of your house that were Appointed to Confer with some of our memb[s] take upon them in the Report from the Conferrees to make so certaine a Judgm[t] of the Duration of this Sessions that they make it a foundation to Argue from, Desires the Sense of your House thereon the Explanation thereof given by the memb[rs] of the Conferrence from our house not being Intirely Satisfactory to him.

Signed ꝑ Order Jo Beale Cl Up Ho.

Sent to the Lower House by Esq[r] Hall who returns & Says he delivered the same

The House Adjourns untill One of the Clock in the Afternoon

U. H. J.

Post Meridiem

The House meett according to Adjournment

Present

His Excellency the Governour

Esq^{r} Brook	Esq^{r} Lloyd
Col Holland	Esq^{r} Lowe
Col Young	Col Ward
Esq^{r} Hall	and
Col Addison	Esq^{r} Bordley

p. 55 Col Mackall with three other memb^{rs} from the Lower House deliver his Excy the following Message

By the Lower House of Assembly April the 15th 1720

May It Please Your Hon^{rs}

Having Considered your Message of the ninth Instant, we have Inspected our Late Address to their Lordships Setting forth Sundry vexatious prosecutions ag^{t} the Debtors of his Majesty in this Province & do Conceive the same to be Justly sett forth & are Surprized to find by the Com^{rs} of the Customs Letter to his Lordship the Sev^{ll} hardships therein Laid down, should instead of meeting with redress be rather Countenanced by the said Comissioners, and it is indeed more Amazeing to us that his Excy our Gov^{rs} Conduct should be Arraigned on Account of Delaying the Proceedings (in behalf of the Crown) by Maurice Birchfield Esq^{r} when to the Certain Knowledge of a member of this house who hath had the Hon^{r} to be Employed by the Com^{rs} of his Maj^{tys} Customs in some of the Affairs here as well as is the Opin^{n} of this House that his Excy hath been very Assidious and Zealous in Promoteing and Expediteing the Affairs of the Crown

Signed p Ord^{r} M Jenifer Cl Lo. Ho.

p. 56 By his Excy and the Upper house of Assembly
Aprill 15th 1720

This House takeing into Consideration your Message of the 13th Instant, relateing to the Land Office &c. are ready to Concurr with your House in such reasonable Measures as you shall think fitt to recomend to us on that Occasion, but as to the Securitys Required we are informed by M^{r} Secretary Lloyd that he has already Entered into Bonds with his Excy in the Sume of two Thousand pounds Sterl. to the Best of his remembrance for the Preservation and faithfull Discharge of it

Signed p Ord^{r} John Beale Cl Up Ho.

Col Maxwell & M[r] Edmondson from the Lower House U. H. J.
Deliver his Excy

An Engrost Bill for the relief of Benj[a] Howard &c. To which is thus Written

April the 15[th] 1720

Read & Assented to by the Lower House of Assembly and
Signed p Ord[r] M Jenifer Cl. Lo. Ho.

His Excellency the Gov[r] Demands of Henry Lowe Esq[r] his p. 57
Lordships Agent the residue of the twelve pence p hh[d] after the 1000 lb p Year He has already paid him is deducted since the time of his Agency Who returns his Excy for Answer that he is Empowered by his Ldship's Instructions to pay his Excy no more than the af[d] 1000 lb p year which he has done to the 29[th] day of Septem[r] last which at his Excys Instance is Entered upon this Journall

M[r] Caldwell and M[r] Jones from the Lower House Delivers his Excy A Bill for Supplying Certain Defects in the Conveying of Lands from Henry Gibbs &c. which was thus Endorst

By the Lower House of Assembly Aprill the 15[th] 1720

May It Please your Hon[rs]

This House being well Satisfied w[th] the Justice in passing the within Bill Especially Considering the Deed therein menconed herewith sent it only for the Bett[r] securing & releasing to the Parties in whose fav[r] the Bill is intended to pass the Right of the Land therein menconed which was before Mortgaged to their Father without any pjudice to the heirs of the said Edward Gibbs whome this house is informed is gone beyond the Seas so that It is morally Imposible to give him Notice of Exhibitting the Pet or the intent of passing this Bill. Wherefore we pray that the Bill may Pass as It now Stands

Signed p Ord[r] M Jenifer Cl. Low[r] House

Esq[r] Brooke not being well desires the Leave of this House to Go home which is Given him.

The following Message prepared Viz.

By the Upper House of Assembly

Aprill 15[th] 1720

His Excellency Comunicates to you his Lordship's late Instructions herewith Sent and Desires the Sense of your

U. H. J. House on the 3rd 4th & 5th Articles thereof desiring you after
p. 58 you have taken the Copy of the said Instructions for your ꝑusall that you will Imediately return the Orriginall. And that if your house requires any Explanation of any part thereof Mr Speaker and such Members as he thinks fitt may Attend his Excellency in the Conferrence Chamber in order thereto.

Signed ꝑ Order John Beale Cl Up. Ho.

Sent to the Lower house by Col Holland who returns and Says he delivered the same.

The Bill for Supplying Certaine Defects in the Conveying of Lands from Henry Gibbs &c. is thus Endorst Viz.

Aprill the 15th 1720

On a Second reading of the within Bill and Inspection had in the Mortgage made by the wthin Edward Gibbs and the Endorsement of the release made by Henry Gibbs his heir att Law, This bill will pass

Signed ꝑ Ordr Jo. Beale Cl Up Ho.

And sent to the Lowr house by Esqr Lowe who returns and says he Delivered the Same.

Richard Keen Deputy Sherriffe of Prince Georges County makes the following return Viz.

Aprill the 15th 1720

I humbly Certify that in Obedience to the Comands of his Excy John Hart Esqr Govr of Maryland and the Upper and Lower Houses of Assembly now Sitting I have delivered Duplicates of what is Contained in a Paper giveing Notice to all Papists to appear att a Certain time in said Paper menconed to make appear what right or Privileges of theirs (as they have
p. 59 given out in Speeches) are Infringed by the present Admrcon of Government To Henry Darnall, Wm Digges, John Digges, Benjn Hall and Clement Hill of Prince George's County Gentl. And that I left one other Copy of the same paper for Mr Peter Atwood at the house of Mr Benjn Hall where the said Peter (as I have been told) was Expected to be in a day or Two, And I further Certifie that being informed yesterday that Mr Charles Diggs was at Mr Wm Digges I sent one Other Copy of said Paper (this morning) to the said Wm Digg's in order to be delivered to the sd Charles Digg's

So Answers Richd Keene, Dep. Sherr.

The Engrost Bill for the relief of Benj[a] Howard &c. being read is thus Endorst Viz. U. H.J.

Aprill the 15[th] 1720

Read & Assented to by the Upper House of Assembly, And
Signed p Order Jn[o] Beale Cl Up House

Col Maxwell and M[r] Colegate from the Lower House deliver his Excellency A Bill for the relief of John Deavour of Baltimore County which is thus Endorsed Viz.

By the Lower House of Assembly
April 15[th] 1720

Read the first and Second times by Speciall Order and will Pass
Signed p Order M Jenifer Cl. Lo. Ho.

Which being read in this house is thus Endorst

By the Upper House of Assembly
Aprill 15[th] 1720

Read the first and Second time & will pass.
Signed p Order John Beale Cl Up Ho.

Sent to the Lower House by Esq[r] Hall who returns & Says he delivered the Same

On the Pet[n] of Rich[d] Keen for an Allowance for delivering Sev[l] Papers to Sev[ll] Papists in Prince Georges County &c.

The following Order is made thereon Viz. p. 60

By the Upper House of Assembly
Aprill the 15[th] 1720

This House Considering that the above Pet[r] has been Expeditious in the Delivery of the Papers af[d] thinks he deserves for the same three pounds and refers the Allowance thereof to be made him by your House
Signed p Ord[r] John Beale Cl. Up. Ho.

Col Woolford and M[r] Lloyd from the Lower House deliver his Excy A Bill Impowering Certaine Com[rs] to dispose of the remaining part of the psonal Estates which were of Tho[s]

U. H. J. Smithson late of Dor. County Gent and Thoˢ Smithson late of Talbott County Esq decēᵈ &c. which is thus Endorst Viz.

By the Lowʳ House of Assembly

Aprill the 15th 1720

Read the first and Second times by Especiall Order & will pass.

Signed ꝑ Order M: Jenifer Cl. Lo. Ho.

The bill for Confirming the last Will & Testamᵗ of Wᵐ Bozman is thus Endorst Viz.

By the Upper House of Assembly

Aprill the 15th 1720

Read the first and Second times and will pass

Signed ꝑ order John Beale Cl Up. Ho.

The House Adjourns untill to Morrow at Eight a Clock

Saturday Morning Aprill 16th 1720

The House meett According to Adjournment

Present

Col. Holland	Esqʳ Lowe
Col Young	Col. Ward
Esqʳ Hall	and
Esqʳ Lloyd	Esqʳ Bordley

p. 61 The bill for Confirming the last will and Testament of Wᵐ Bozman &c. past last Night Sent down to the Lower House by Col Ward who returns and says he Delivered the Same

On Mʳ John Brannock's Petition to be relieved from a Judgment obtained by Mʳ Thoˢ Macnemara is thus Endorsed.

By the Upper House of Assembly

Aprill the 16th 1720

The within Petition being read is rejected

Signed ꝑ Order Jnº Beale Cl. Up. ho.

On Mʳ John Brannock's Petition to be relieved from a Judgment obtained by Mʳ Jacob Lockerman Junʳ is thus Endorst Viz.

By the Upper house of Assembly

Aprill the 16th 1720

The within petition being read is rejected

Signed ꝑ Ord Jnº Beale Cl. Up Ho.

The Bill to Confirm a Deed of Bargain and Sale from Francis Swanson to Thoˢ Plumer is thus Endorst Viz. U. H. J.

By the Upper House of Assembly

Aprill the 16th 1720

This Bill will not pass for want of a Clause to be Added Saving to the Lord Propʳʸ his heirs and Successors And all bodys Politick and Corporate and all others not menconed in the within Bill their Sevˡˡ and Respective Rights Especially Considering that a Minor of Mʳ John Gerrad decᵈ is Alledged to be Interested in the within Land.

Signed p Order John Beale Cl Up Ho.

And Sent to the Lower House by Esqʳ Bordley who returns and Says he Delivered the same. p. 62

His Excellency observes to this House that the principall Papists had Notice given them as Appears by the Return of the Deputy Sherriffe of Prince Georges County by giving and Leaving Coppys of the Resolve of this house for their Appearance here this Day. Therefore his Excy proposes whether a list of their names should not be Given the Door Keeper in Order to Inquire whether they are in Town attending to be heard, which this House concurrs with,

And It's Orderd that a list of the names of the persons be made And Delivered the Door Keeper in Order to Enquire whether they are in Town Attending

The List of the said Persons names are made and Delivered the Door Keeper Accordingly, which names are as follows Viz. Henry Darnall, Wᵐ Digg's, John Diggs, Benjᵃ Hall, Clement Hill, Peter Attwood, Charles Digg's

The House Adjourns untill one a Clock in the Afternoon

Post Meridiem

The House meet according to Adjournment

Present

Col Holland	Col Addison
Col Young	Esqʳ Lowe &
Esqʳ Hall	Col Ward

U. H. J. Mr Lee and Seven members more from the Lower House Deliver Col Holland the following Message Viz.

By the Lower House of Assembly
Aprill the 16th 1720

p. 63 May It please Your Honrs

This house having taken into Consideration the 3d 4th & 5th Articles of their Lordships' Instructions to his Excy mentioned in your Message of yesterday by Col Holland and three other membrs of your honble house are of Opinion that the Act menconed in the third Article is Sufficiently Declaratory in itself as to the Application of the twelve pence p hhd therein mencon'd. And to the fourth Article the Result of this house is that altho we Conceive the Govr is no Longer Entituled to the three pence p hhd by Virtue of that Act than Dureing his residence here Yet in Consideration of his Excys Good admrcon this House Agrees to Bring in a Bill to Enable his Excy to Enjoy the said three pence p hhd in his Absence for the Space of twelve months or untill his Excy shall be actually Superseeded, which shall first Happen And as [to] the fifth Article we are of Opinion that the pson Presiding in the Absence of the Govr is Duly Entituled to the Tonnage by that Act Prescribed.

Signed p Order M Jenifer Cl. Lo. Ho.

Mr Caldwell and Mr Smith from the Lower House deliver Col Holland these four following Engrost bills Viz.

A Bill to Enable Benjn Duvall of Prince Georges County to Sell two hundred Acres &c.

To which is thus Written Viz.

Aprill the 16th 1720

Read & Assented to by the Lower house of Assembly And
Signed p Order. M Jenifer Cl. Lo. Ho.

A Bill to Supply Certain Defects in the conveying of Lands from Henry Gibbs &c.

To which is thus Written Viz.

p. 64 Aprill 16th 1720

Read and Assented to by the Lower House of Assembly and
Signed p Ordr M Jenifer Cl. Lo. House

A Bill for confirming the Last Will & Testament of Wm Bozman &c. To which is thus Written

April 16th 1720

Read & Assented to by the Lower House of Assembly And
Signed p order M Jenifer Cl Lower Ho.

A Bill for the Relief of John Deavour of Baltemore County U. H. J. &c.

To which is thus Written Viz.

Aprill the 16th 1720

Read & Assented to by the Lowr House of Assembly And Signed ꝑ Order M Jenifer Cl. Lo. Ho.

The bill to Invest an Estate in Fee to Jnº Clements &c. Past in this House is Sent Down to the Lower House by Col Young who returns & Says he Delivered the same.

Col Mackall and five more from the Lower house deliver Col Holland the following Bill Viz.

A Supplementary Bill to the Act Entituled an Act for Settling a Revenue on her Majesty's Present Govr

Which is thus Endorst Viz.

By the Lowr House of Assembly

Aprill the 16th 1720

Read the first and Second Times by Especiall Order and will pass Signed ꝑ Ordr M. Jenifer Cl. Lo. Ho.

Mr Caldwell and Mr Dent Deliver his Excy the following Bill Viz.

A Bill to Confirm a deed of Bargain and Sale from Francis Swanson &c.

Which is thus Endorst Viz.

Eodem Die, Read with the Amendments proposed & will pass. p. 65

Signed ꝑ Order M Jenifer Cl Lo Ho.

A Bill Empowering Certaine Commrs and Trustees to Dispose of the remaining part of the ꝑsonall Estates which were of Thos Smithson late of Dorchester County Gent. & Thos Smithson late of Talbott County Esqr decd &c. is thus Endorst Viz.

By the Upper house of Assembly

Aprill the 16th 1720

Upon reading of the within Bill we find that you have referred a right of redemption to the heirs only & have Excluded the Sevll Devisees whereas we are of Opinion that the Devisees ought to have the preemption of their respective Estates, And It being represented to us that Mary Wrightson widow one of the Devisees mentioned in the will of the within Thos Smithson of Talbott hath paid all the Arrears of the Quitt Rents due to the Lord Propry for the Land Devised to her, We

U. H. J. think it Reasonable that if that Land be sold she should be Again repaid so much tob° as she Can make Appear She has disburst on that Occasion the Land being yett uncultivated And no benefitt Accruing to her by it. And we are likewise of Opinion that forasmuch as it appears that it was the principall Design of the within Thomas Smithson of Talbott County that the Chiefe of his Lands and personal Estate should remain to the Parish of S^t^ Michaell in the said County And the ffree Schools in this Province, We think that the Lands so Devised ought not to be Exposed to Sale if the other Land and the remaining Part of the ꝑsonal Estate should be found Suff^t^ to recompence the Damages. And We
p. 66 propose that Col Rich^d^ Tilghman be Appointed a Comm^r^ in the Room of M^r^ Dashiell who lived remote from the Land.

Signed ꝑ Ord^r^ Jn° Beale Cl Up Ho.

Sent to the Lower House by Esq^r^ Bordley who returns and Says he Delivered the same

The House Adjourns untill Monday Morning Eight a Clock

Monday morning Aprill 18^th^ 1720

The House meett according to Adjournment

Present

Col Young	Esq^r^ Lowe
Col Addison	Col Ward
Esq^r^ Hall	and
Esq^r^ Lloyd	Esq^r^ Bordley

These four following Engrost Bills Viz.

A Bill to Enable Benj^n^ Duvall of Prince Georges County to Sell two Hundred Acres of Land &c.

A Bill to supply Certain Defects in the Conveyance of Lands from Henry Gibbs &c.

A Bill for Confirming the last Will & Testament of W^m^ Bozman &c.

A Bill for the reliefe of John Deavour of Baltemore County &c.

These four Bills in this house being read are on Each of them Severally thus written Viz.

Aprill the 18^th^ 1720

Read & Assented to by the Upper house of Assembly and Signed ꝑ Order John Beale Cl Up Ho.

His Excy the Gov[r] Delivers to Esq[r] Lowe his Lordships Agent Esq[r] Lloyd's Bond Dated the 9[th] January 1715 with M[r] Richard Bennett his Suretie for two hundred pounds Sterl. p Annum to Tho[s] Beake & Charles Lowe Esq[r] U. H. J. p. 67

By the Upper House of Assembly

Aprill the 18[th] 1720

Gentl. His Excy desires this house to Acquaint you that on Inspecting the Bond of Phil Lloyd Esq[r] Deputy Secretary He finds It is Only for the paym[t] of a Sume of Money without having any regard to the Due Execution of his Office And therefore recomend it to you to propose some proper Expedient in relation to the Officers mentioned in your former message.

Signed p Ord[r] Jo: Beale Cl Up Ho.

Sent to the Lower house by Esq[r] Hall who returns and Says he Delivered the same.

M[r] Hill and Two Others from the Lower House deliver to Col Young the Journall of the Comittee of Accounts to which is thus written

Aprill the 18[th] 1720

Read and Assented to by the Low[r] house of Assembly And

Signed p Order M Jenifer Cl. Lo. Ho.

The House Adjourns untill One a Clock in the Afternoon.

Post Meridiem

The House meett According to Adjournment.

Present

His Excellency the Gov[r]

Col Holland	Col Young	Esq[r] Hall
Col Addison	Esq[r] Lloyd	Esq[r] Lowe
Col Ward	Esq[r] Bordley	

p. 68

M[r] Brannock and M[r] Edmondson from the Lower House deliver Col Holland,

An Engrost bill to Invest an Estate in ffee to John Clements to which is thus written Viz.

Aprill 18[th] 1720

Read & Assented to by the Lower House of Assembly.

Signed p Order M. Jenifer Cl. Lo. Ho.

U. H. J. As also a bill to make Void a feigned recovery of the Lands of W^m^ Dorrington of Dorchester County dec^d^ Which is thus Endorst Viz.

By the Low^r^ house of Assembly

Aprill the 18^th^ 1720

Read the first and Second times by Especiall Order and will pass. Signed p Ord^r^ M Jenifer Cl. Lo. Ho.

Tho^s^ Bordley Esq^r^ at his request is Admitted Councill to Speak to the Last mentioned Bill.

By the Upper House of Assembly

Aprill the 18^th^ 1720

It being represented to this house that the Deputy Com^rys^ Bond Usually taken for the due Execution of their Offices have been taken in the Name of the Commissary Gen^l^ himself And not in the name of his Majesty or his Lordship whereby
p. 69 such psons as are Injured by the Misfeazance of such Officers are under Difficultys to Come at those Bonds the Attorny Gen^l^ giving this house a late Instance thereof in some Bonds taken by John Contee Esq^r^ late Com^ry^ Generall whose Exec^rx^ has refused to Deliver such bonds into the Com^rys^ Office or to Suffer them to be put in Suit without giving her Security for her Indemnification thereon, Wherefore tis recommended that there be an Act or Clause of an Act Declaring that All bonds formerly taken in the name of the Com^ry^ Gen^l^ may be Lawfully sued in his L^d^ship's name at the Instance of any pson Aggrieved in the same manner And under like Directions as the Sherriff Bonds & Other publick bonds are Allowed to be And that for the future all such Bonds be taken payable to his Lordship in not less than two hundred pounds Sterl penalty as usuall and Lodged in the Com^ry^ Gen^ls^ Office for the Bennefitt of those that shall have Cause to Sue the Same

Signed p Order John Beale Cl. Up. Ho.

Sent to the Lower House by Col Addison Who returns and Says he Delivered the same

Col Woolford And M^r^ Hill from the Low^r^ house deliver his Excy

A Bill Impowering Certain Com^rs^ and Trustees to dispose of the Remaining part of the psonal Estates which were of Tho^s^

Smithson late of Dorchester County Gent & Thoˢ Smithson late of Talbot County Esqʳ decᵈ &c. U. H.

Which is thus Endorst Viz.

By the Lowʳ house of Assembly

Aprill the 18th 1720

May itt please Your Honʳˢ p. 70

This House are not willing to alter the Bill as to the Sale of the said Smithson's Lands But that they remain to be Sold generally towards Satisfieing the parties Injured by the Warranty therein menconed their Sevˡˡ Damages and Costs but are willing the Sevˡˡ Devisees shall have the Liberty of redeeming their respective Estates devised them as well by the Heirs as to the Amendment in makeing the widow Wrightson Restitution for the rents She has paid And of Adding Col Tilghman in the Stead of Mʳ Dashiel we Agree with your Honʳˢ with which if your House Concurrs the Bill may be Amended and will pass.

Signed ꝑ Ordʳ M. Jenifer Cl Lo Ho.

To which Endorsment of the afᵈ Bill the following Message is prepared Viz

By the Upper House of Assembly

Aprill the 18. 1720

Gentl. The Amendment proposed to the Bill for Sale of Col Smithson's of Talbott County and Thoˢ Smithson's of Dorchester County Gentl their Lands &c. we think requires the Amendment proposed for the preferring the Devisees to publick and Pious uses to those that are only private ꝑsons since we apprehend the Deviser lays not under any particular Obligation to the private Devisees more than to the publick; And in all Acts of more Generosity and good will we think those for a publick Bennefitt ought to be preferred to any private one by how much a genˡ good is preferable to any ꝑticular one with which Amendment the Bill will pass. p. 71

Signed ꝑ Ordʳ John Beale Cl Up Ho.

And sent together with the said Bill to the Lower House by Esqʳ Lloyd who returns & says he Delivered the Same

The House Adjourns untill to-morrow Eight a Clock

U. H. J. Tuesday morning Aprill the 19th 1720

The House meett according to Adjournment

Present

His Excellency the Governour

Col Holland	Esqr Lloyd
Col Young	Esqr Lowe
Esqr Hall	Col. Ward &
Col Addison	Esqr Bordley.

By the Upper House of Assembly

Aprill 19th 1720

Gentl. On perusing the Supplementary Act to the Act Entituled an Act for Settling the Revenue on her present Majesty's Governour and your message relateing thereto,

His Excellency Expresses great Satisfaction at your Approbation of his Conduct in the Admrcon of this Government and takes the proposed Act as an Evidence of your Esteem, But Seems to be of Opinion that Since his Intended Speedy Departure will Clogg the Collection of that Duty with some Difficulties your good Intentions will be rendered more Effectuall in his favour & less Chargeable to us if we made the money raised thereby payable in a twelve month to the Treasurers for the Defraying the publick Charge of this Province & in Lieu thereof should Order the Treasurers to pay him what may be by a Moderate Computation Supposed to Arise on the said Duty by that Tobo that shall be Exported by the
p. 72 first of November next this proposall Seems to be so agreeable to your gracious Intentions that we doubt not your Concurrence therewith and shall therefore only Desire you to make such Estimate as you think may Answer the Intent and Advance the publick Stock.

Signed p Ordr Jno Beale Cl. Up. Ho.

Sent to the Lower House by Esqr Hall Col Addison & Col. Ward who return and say they Delivered the same

By the Upper House of Assembly

Aprill the 19th 1720

Gentl

We are Clearly of Opinion with that of your house Communicated to us by your Message of the 15th instant and are Equally Surprized at the Effect of your Address as you are.

But as the Aggrievances Complained of by that Address are not remedied but the Imposers of them rather encouraged by

having their Conduct approved by the Honble Comrs of the Customs and by doing the Aggressors the pleasure of having the Impartial Conduct of our Govr as Judge in Chancery reproved we think it is necessary to take that matter into further Consideration that as we have hitherto had no reliefe by that Address we should now Endeavour to take proper measures to render it Effectuall to its first Intended Ends since the occasion still Continues And as you find on Inspection that that Address Justly sett forth those Aggrievances wch you still find to be really such we Cant but apprehend there may have been some Defect in the presentation or Solicitations of it we therefore now propose that his Excys Intended Voyage for great Brittain be Laid Hold on as a most favourable Opportunity for the more Effectuall Solicitations of this Affair if he shall be pleased to Act therein to prevent future Impositions of the like Nature and that you will Joyne with us in Addressing him to Assist us on this Occasion as you Shall find necessary for the good of this Province. U. H. J. p. 73

Signed p Ordr Jno Beale Cl Up Ho.

Sent to the Lowr house by Col Young Esqr Lowe & Esqr Bordley who return and Say they Delivered the same.

The Journall of the Comittee of Accounts being read is thus Endorst Viz.

Aprill the 19th 1720

Read & Assented to by the Upper House of Assembly and

Signed p Order John Beale Cl Up House

Mr Benjn Tasker Navall Officer of the port of Annapolis being before the house his Excy requires him to take his bills for the duty of twelve pence p hhd becomeing due in his Port for Support of Government during his Excys residence here in the said Taskers own name which the said Tasker sayd he would doe

Thereupon Henry Lowe Esqr his Lordship's Agent declares that by his Lordship's Instructions to him All bills Arising from the Exportation of tobo should be taken payable in his Lordship's name which he accordingly Informed his Lordship's Shipping officers to doe

Whereupon his Excy Observes that his Lordship might give what Instructions he pleases as to his private affairs, But as to Navall Officers his Excy Insists upon it, on his Majesty's Behalf that he is the pson to appoint the Navall Officers by Vertue of his Majesty's Royal Instructions & Consequently to give them all Instructions in relation to their Affairs. p. 74

U. H. J. M^r Lee with five Others from the Lower house deliver his Excy the following message Viz.

By the Low^r house of Assembly

Aprill 19^th^ 1720

May It please your Excellency

M^r Speaker having Communicated to this house your Excys Lett^r of the ninth Instant we have Inspected our Late Address to their Lordships touching the Sundry Vexatious prosecutions ag^t many Inhabitants of this ꝑvince as Debtors or Supposed Debtors to the Crown And take the same to be sett forth on Just reasons but are Extreamly Surprized & Sorry to find that the Com^rs of his Majesty's Customs, have not been pleased to take under their Considerations the sev^ll Hardships Complained off but Contrarywise have rather Justifyed the said ꝓceedings and Accused your Excy of retarding those Affairs which we are Clearly of Opinion your Excy has in no wise Deserved as may appear by the Entry on the Docquetts of the Chancery Court for we are so well Satisfied with your Excys Integrity and Justice dureing your Adm^rcon^ as Chancellor that the most Invidious of your Enemies Cannot in any wise make out the least Charge of Partiality or Corruption and are Sorry your Excy through any unjust representations against you to their Lordships should be Induced to give up the Seals, thô when we Consider the Just reasons laid down in your Excys Speech in Councill on that Occasion, we Cannot but Applaud your Excys prudence in giveing up your Interest to preserve your Integrity which we believe no power on Earth can remove from you.

Signed ꝓ order M Jenifer Cl Lo Ho.

p. 75 M^r Lee and five more members from the Lower House deliver Col Holland the following Message Viz.

By the Lower House of Assembly

Aprill the 19^th^ 1720

May It please your Honours

In Answer to your Message of the 15 Instant by John Hall Esq^r this House Conceives that the Reasons of the Conferrees for referring the Subject matter of the Conferrence till next Sessions were well grounded Especially Considering the Honble Conferrees of your house were pleased to make the same Judgment in relation to the Short Duration of this Sessions to w^ch^ might be Added the Ill Consequences th^t^ might

have Attended such precipitate proceedings as well as the probability of Laying this house under a deserved Censure. U. H. J.

Signed p Ordr M Jenifer, Cl Lo House

His Excellency observes to this House on hearing the above Message that his requiring an Explanation of the Expressions made use of by the membrs of the Conferrees from the Lowr [House] was to prevent an evasion of his Lordships Prerogative under his Admrcon whose undoubted right it is to Call and Adjourn Assemblys as he sees fitt, to which his Excellency Looks on that Message as a very Insufft Answer.

The House Adjourns untill One a Clock in the Afternoon

Post Meridiem

The House meett according to Adjournment

Present

Col Holland	Esqr Lowe
Col Young	Col. Ward
Col Addison	and
Esqr Lloyd	Esqr Bordley

Amos Garrett and Benjamin Tasker Esqr from the Lower House deliver Col Holland p. 76

A Bill for giving ffurther time to the Severall Tradesmen who Originally took up the new Lotts within the Addition of the City of Annapolis to Improve the same, which is thus Endorsed.

By the Lowr House of Assembly Aprill 19th 1720

Read the first and Second times by Especiall Ordr and will pass. Signed p Ordr M. Jenifer Cl Lo. Ho.

And being read in this house is thus Endorst Viz.

By the Upper house of Assembly Aprill the 19th 1720.

The within Bill being twice read will pass with these Amendments. And having paid to the Proprietors for each Lott by them Enterd the Sume Assessed by the Commrs appointed to Assess and Award the same in the aforemenconed Act as also Adding the Generall Clause of Saving to the said Lord Proprietor his heirs and Successors and all bodies Politick and Corporate & all Others not Mentioned in this Act their Severall and respective rights and also mending the mistakes made by the Clerk in drawing the within bill and Leaving out the

U. H. J. proviso at the End of this Bill w^ch^ seems to be repugnant to the Designe of the Orriginall Law.

Signed p Ord^r^ Jn° Beale Cl. Up. Ho.

And Sent to the Low^r^ house by Col Young who returns and says he delivered the same.

M^r^ Warfield & M^r^ Earle from the Lower House deliver to his Excy the following message Viz.

By the Lower House of Assembly

Aprill the 19^th^ 1720

p. 77 May It please Your Hon^rs^

This House being apprehensive that this Sessions is near a Conclusion and wanting some papers relating to the Officers are desirous that the further Consideration of our Message of the 13^th^ Instant by M^r^ Lloyd & M^r^ Smith Concerning the Security to be given by the Sec^rty^ and other great Officers in this Province may be referred till next Sessions

Signed p Ord^r^ M Jenifer Cl. Lo. Ho.

M^r^ Lloyd & M^r^ Tasker from the Lower House deliver to Col Holland the following Message

By the Lower House of Assembly Aprill 19, 1720

May It please Your Hon^rs^

In Answer to your Message of yesterday by Col Addison we wholly Agree to the bringing in a bill according to the Proposalls in that Message mentioned but fforasmuch as we hope this Sessions is near a Conclusion we desire the Consideracon thereof may be referred till the debate Concerning the greater Offices is determined

Signed p Ord^r^ M Jenifer Cl. Lo. Ho.

M^r^ Tyler and five more from the Lower House deliver his Excy the following Message Viz.

By the Low^r^ House of Assembly Aprill the 19^th^ 1720

May It Please Your Hon^rs^

On reading and Considering your Message of this day by John Hall Esq^r^ And two other members of your Hon̄ble House on the Supplementary Act to the Act Setling a revenue on her Majesty's Present Gov^r^ we are heartily Sorry that we Cannot Come into the measures proposed by your House for Vesting in his Excy the monys According to that message Seeing we

are uncertain how soon his L^d^ship may think fitt to Supersede his Excellencys Comission at what time by the Intendment of that Law And the Construction of the Lord Proprietarie he Can be no Longer Entituled to the Same so that this house would be wanting in their duty to his Lordship as well as be drawn into measures prejudicial to the Interest of the Gov^r^ who shall be for time to Come Appointed by his Lordship to preside Over us should we Imediately Vest the Gov^r^ w^th^ the mony arising thereby U. H. J. p. 78

Signed p Order M. Jenifer Cl. Lo. Ho.

The Bill to make Voyd a feigned recovery of the Lands of W^m^ Darrington of Dorchester County dec^d^ being read is thus Endorst Viz.

By the Upper House of Assembly Aprill 19^th^ 1720

This bill being read will not Pass the Partie praying the Same being relieveable at Comon Law.

Signed p Ord^r^ J: Beale Cl Up Ho.

And Sent to the Low^r^ house by Esq^r^ Hall who returns and says he Delivered the same.

Col Mackall with five more memb^rs^ from the Low^r^ house deliver Col Holland the following Message Viz.

By the Low^r^ house of Assembly April the 19^th^ 1720

May It Please Your Hon^rs^

In Answer to your Message from your Honble house by Col Young and two Other of your memb^rs^ this house hath thought fitt to Express their hearty thanks to Your Hon^rs^ for Intimateing to us the opportunity we are likely to have upon the the return of his Excy to Great Brittain by whose means we might be Enabled with Great Clearness to represent our Late Aggrievances to the Honble the Com^rs^ of his Majestys Customs but inasmuch as we are Credibly informed those Debts then due to the Crown on which the Action arose are now Sold to private psons as well as the Consideration of the Death of Tho^s^ Macnemara who was appointed to negotiate those Affairs under Maurice Birchfield Esq^r^, We Humbly Conceive the Causes of those Evills in a Great Measure removed And are not therefore Inclined to Make any ffurther representation thereof untill such time the same measures are againe put in use p. 79

Signed p Ord^r^ M Jenifer Cl Lo Ho.

U. H. J. Col Woolford and Cap^{t} Rider from the Lower house Deliver to Col Holland

An Engrossed bill Empowering Certain Com^{rs} and Trustees to Dispose of the remaining part of the ꝑsonal Estates w^{ch} were of Tho^{s} Smithson late of Dorchester County Gent. And Tho^{s} Smithson late of Talbott County Esq^{r} dec^{d} &c. To which is thus Written

Aprill the 19th 1720

Read and Assented to by the Low^{r} House of Assembly And Signed ꝑ order M Jenifer Cl Lo. House

The House Adjourns untill to morrow Eight a Clock

Wednesday morn Ap^{ll} 20th 1720

The House meett According to Adjournment

Present

His Excellency the Governour

Col Holland	Esq^{r} Lowe
Col Young	Col Ward
Esq^{r} Hall	and
Col. Addison	Esq^{r} Bordley

The Sherriffe of Ann Arundell County makes the following Return viz.

p. 80 Aprill the 19th 1720

I Humbly Certifie that in Obedience to the Comands of his Excy John Hart Esq^{r} Gov^{r} of Maryland & the Upper and Lower Houses of Assembly Sitting I have delivered Coppys of what is Contained in a Paper giveing Notice to all Papists to appear at a certaine time in said Paper menconed to make appear what right or Priviledges of theirs as they have given out in Speeches are Infringed by the present Adm^{rcon} of Government, to Charles Carrol, James Carroll, Richard Bennett & W^{m} Fitz-Redmond Gent., delivered with my own hand & one for Henry Darnall Jun^{r} which I Sent to my under Sherriffe & verily believe was delivered. So Answ^{rs}

Stephen Warman Shērr
of Ann Arundell County.

The following Depositions Ordered to be Enterd which are as follows Viz.

M^{r} Hugh Kennedy being Sent for before this house to give an Account of what Papists were at his house on Friday night

or Saturday morning last, Upon his Oath to him admrstred declares that on Friday Night last Mr Henry Darnall Senr & Mr Charles Diggs Supt at his house And on the sd Friday night he saw Mr Benjn Hall & Mr Clement Hill in this Town & on Saturday morning Mr Charles Diggs was likewise at his house. U. H. J.

Aprill the 19th 1720

The Above Depositn Sworn to before his Excy in this house

Signed p Ordr Jn̄o Beale Cl Up Ho.

Likewise Mrs Ann Hutton being sent for before this House to give an Account of what Papists were at her House on Friday night or Saturday morning last upon her Oath to her Administred declares that Mr Henry Darnall Senr & she believes Mr Charles Diggs was at her house on ffriday Night last and on Saturday morning last was at her house a Gentl that she took to be Mr Wm Diggs & on Friday night Mr Darnall asked her for Mr Benj. Hall who told him that there was a Gentl up Stairs with Esqr Brooke upon which Mr Darnall sayd he believed that was Mr Hall p. 81

Aprill the 19th 1720

Sworne to before his Excellcy in this House

Signed p Order John Beale Cl Up Ho.

His Excellency and this house Observe on the aforegoing proceedings that Altho the most Eminent of the Papists were in town at the Time appointed them to make good their Pretentions yet they have not thought fitt to Appear then or at any time since to Offer any thing in Vindication of their Pretended rights And therefore take this their Demeanour as a tacite Acknowledgment that their Pretensions are groundless and their Exclamations Most unreasonable.

By the Upper House of Assembly

Aprill 20th 1720

Gent. On reading the Engrost Bill for reviving and Continuing the Act Entituled An Act for Ascertaining the Gauge and Tare of Tobo hhds &c.

We have Examined & Considered the Act intended to be revived by that Bill and find the Bill proposed instead of Reviving the Act as it now Stands alters the nature of its Continuance which was at first founded on an Instruction.

We therefore propose as an Amendmt to that Bill that the time of its Continuance be Limitted in the same manner as it was in the Orriginall Act Viz. to Continue from the 29th p. 82

U. H. J. Septem^{r} next untill the 29th day of Septem^{r} w^{ch} shall be in the year of our Lord God 1721

Signed p Order Jn° Beale Cl Up Ho.

Which Mesasge with the said Engrost Bill is sent to the Lower House by Esq^{r} Hall who returns & Says he delivered the same.

The Bill to Confirm a Deed of Bargain and Sale from Francis Swanson to Tho^{s} Plumer being read is thus Endorst Viz.

By the Upper house of Assembly Aprill 20th 1720

This House being informed that M^{r} John Gerrard's Orphan who is a minor is Concerned in the within Bill And for that the Bill Directs not the Recording of the Deed therein mentioned And the Confirmation of such Record when made as has been the frequent approved practice In such Cases therefore it is the Opinion of this House it ought to be referred to further Consideration.

Signed p Ord^{r} John Beale Cl Up Ho.

Sent to the Low^{r} house by Esq^{r} Lowe who returns and Says he delivered the same

M^{r} Lloyd and M^{r} Mackall from the Lower House deliver his Excy, The Engrost Bill for reviving and Continuing the Act Entituled an Act for ascertaining the Gauge & Tare of Tob° hh^{ds} &c with the following message Viz.

By the Lower House of Assembly Aprill 20th 1720

May It Please Your Hon^{rs}

p. 83 This House Concurrs with your Hon^{rs} in the Amending the Engrost Bill for reviveing the Act for Ascertaining the Gauge & Tare of Tob° hh^{ds} &c. therewith sent and have made the Alterations Accordingly

Signed p Ord^{r} M Jenifer Cl Lo Ho.

M^{r} Hill and M^{r} Tasker from the Lower House deliver Col Holland, The Engrost Bill for giveing time to the Sev^{ll} Tradesmen &c. to which is thus written Viz.

Aprill the 20th 1720

Read and Assented to by the Low^{r} House of Assembly and,

Signed p Order M Jenifer Cl Lo Ho.

The House Adjourns untill One a Clock in the Afternoon

Post Merediem U. H. J.

The House meett according to Adjournment

Present

His Excellency the Governour

Col Holland	Esq^{r} Lloyd
Col Young	Esq^{r} Lowe
Esq^{r} Hall	Col Ward &
Col Addison	Esq^{r} Bordley

M^{r} Hill & M^{r} Earle from the Lower House delivers his Excy A Bill Impowering a Comittee to Lay and Assess the Publick Levy &c. Which was Endorst by that House Viz.

Read the first & Second times by Especiall Order and will pass

Which Bill being read in this House is thus Endorst Viz.

By the Upper House of Assembly

Aprill 20th 1720

This Bill being read will Pass

Signed p Ord^{r} Jn^{o} Beale Cl Up Ho.

Sent to the Lower House by Col Ward who returns and Says he Delivered the same p. 84

M^{r} Hill and three more Memb^{s} from the Lower house deliver his Excy the following Message Viz

By the Low^{r} house of Assembly

Aprill the 20th 1720

May It please Your Hon^{rs}

This house having made a Resolve that the sev^{ll} members and Officers Attending on this House (that are willing to take money for the Tob^{o} due to them for their Attendance and Service this Sessions more than is Allowed by Journall of the Comittee of Accounts) be Allowed at the rate of twelve shillings & Six pence Curr^{t} mony p hundred for the Tob^{o} so due to them & Desire to Know whether your Hon^{rs} are willing that the severall memb^{rs} and Officers of your House shall have the like Allowance with which if your house Agree the Allowances may be now made Accordingly.

Signed p Ord^{r} M Jenifer Cl Lo Ho.

U. H. J. To which Message is prepared the following Ans^r Viz.

By the Upper House of Assembly

Aprill the 20^th^ 1720

We Concurr with your Message this day by M^r^ Hill & three more of your house w^ch^ proposes the allowances of twelve & Six pence p hundred for the Tob^o^ Allowances not yet made.

Signed p Ord^r^ Jn^o^ Beale Cl Up Ho.

And sent to the Lower House by Esq^r^ Bordley who returns & Says he delivered the Same.

p. 85 By the Upper House of Assembly

Ap^ll^ 20^th^ 1720

His Excellency and this House think Proper to Communicate to you their proceedings relateing to the Papists for your Concurrence which are Extracted from our Journalls

Signed p Order Jn^o^ Beale Cl Up ho.

Which message with a Copy of the Proceedings therein menconed are sent to the Low^r^ House by Col Holland Who returns and Says he Delivered the same

The four Engrost Bills following Viz.

A Bill Empowering Certain Com^rs^ & Trustees to dispose of the remaining part of the psonal Estates which were of Tho^s^ Smithson late of Dorchester County Gent. & Thos. Smithson late of Talbott County Esq^r^ dec^d^ &c.

A Bill to invest an Estate in ffee to John Clements of Queen Ann's County &c.

A Bill Reviving and Continuing the Act Entituled an Act for Ascertaineing the Gauge and Tare of tob^o^ hh^ds^

A Bill for giveing ffurther time to the severall Tradesmen who Orriginally took up the new Lotts &c. which foregoing Bills being read are thereto Severally thus written Viz.

Aprill the 20^th^ 1720

Read & Assented to by the Upper House of Assembly and

Signed p Order John Beale Cl Up Ho.

M^r^ Larramore & M^r^ Dent from the Low^r^ House deliver his Excy

An Engrost Bill for Empowering a Comittee to Lay &
p. 86 Assess the Publick Levey &c.

To which is thus written Viz. U. H. J.

Aprill the 20th 1720

Read & Assented to by the Lower House of Assembly and
Signed p order M Jenifer Cl Lo Ho.

Mr Tyler & Mr Dashiell Deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill the 20th 1720

May It Please Your Excy and Honrs

This house highly Applaud your Excy and Honrs proceedings relateing to the Papists as a means to Secure & Establish to the Protestants their Just rights against any future Claime of right the Papists may pretend in this Province which they Alledged are infringed and willingly Concurr with your Excy and honrs in the wise and prudent measures taken & proceeded on in that Affair And therefore return our hearty thanks to Your Excy and Honrs for the same.

Signed p Ordr M Jenifer Cl Lo Ho.

Mr Lee & Mr Mariarttee from the Lowr House Acquaint his Excellency that their house have nothing before them of Consequence

By the Upper house of Assembly

Aprill the 20th 1720

Gent. We are glad we have proposed the means by which you Allow we might be Enabled to represent with great Clearness the Aggrievances treated of in Your message of the 19th p. 87
Instant by Col Mackall and five Others But are Obliged by the ties of Duty to our Country And for the Sake of preserving a Concurrence of Sentiments with you to Acquaint you with our Objections to yr Reasons for desireing any further Representation of those Aggrievances that this Country has Already Sufferd till they may happen to be repeated

We find by the Letter of the Hon̄ble the Comrs of trade to their Lordships that we have Laboured under the Censure of partiality in Accounting the Proceedings of Maurice Birchfield Esqr Aggrievous to the Country when the Comrs (as is declared by their Letter) have Examined into his Conduct And do not find he has done any more than his Duty, But forasmuch as we have reason to believe that the Conclusion of the Honble the Comrs afd proceeds from the want of a Clear Representation of that Affair being Laid before them We therefore the more Earnestly press your Concurrence with us

U. H. J. in a matter of so great Importance to the Welfare of the Inhabitants of this Province Being of Opinion that 'tis much Easier & better to prevent an Aggrievance than to be put to the necessity of seeking redress after we have Suffered it

We cannot conceive that the Debts being sold, or M^r^ Macnemara's Death can be any Security ag^t^ the like Aggrievances for the future, because Undoubtedly those ꝑsons who have purchased those Debts (if any such there be) will be very Vigilant for the recovery of them and we have too much reason to fear they may be readily Supplyed with some ꝑson to ꝑsecute them whose Principles and Practices may be as pernicious as M^r^ Macnemara's.

We take this Matter to be yett of more Concern to this province since His Excy the Gov^r^ our then Chancellor seems
p. 88 Charged by the s^d^ Com^rs^ with Obstructing his Majesty's Service in these matters He acted no Otherwise in relation thereto than as Judge in Chancery and we must Account it a most fatall Enemy to Impartial Justice if the Consciences of our Judges should be Influenced by any Power to a Conformity with any Interest whatever the Consequences deserve Your Consideration

Signed ꝑ Ord^r^ Jn° Beale Cl Up ho.

Sent to the Lower house by Col Young Esq^r^ Hall Col. Addison & Esq^r^ Lloyd who return and Say they delivered the same

The House Adjourns untill to morrow morning Eight a Clock

Thursday morning Aprill the 21^st^ 1720

The House meett according to Adjournm^t^

Present

Col Holland	Col Addison
Col Young	Col Ward &
Esq^r^ Hall	Esq^r^ Bordley

By the Upper House of Assembly

Aprill the 21^st^ 1720

Gentl. The Cause of your Sorrow Exprest in your Message of the 19^th^ Instant by M^r^ Tyler & five others Seems to be attended with one happy Circumstance (to Witt) that It is in your power to remove it, But whether you Agree with us in that Opinion or not we desire you to reflect on and more maturely Consider the reasons you Offer in the Latter part of

that Message & to regard them in their Consequence and to recollect some former resolutions of your House that we may be favoured with your farther Sentiments on that matter U. H. J. p. 89

Signed ꝑ Ordr Jn° Beale Cl. Up Ho.

Sent to the Lower House by Esqr Bordley who returns & Says he delivered the same

Col Mackall and Seven more from the Lower house deliver his Excy the following Message Viz.

By the Lowr House of Assembly Aprill the 21st 1720

May It Please Your Honrs

On Considering your Message of yesterday by Col Young and three other of your Honble membrs this house is ready to Concurr with your Honrs in makeing a farther representation of the Aggrievances Complained of to our Agent whose duty we take it to be to represent things of that nature & Desire that the Gentl. that are to be appointed on that Occasion may ꝓceed thereon Imediately

Signed ꝑ Ordr M. Jenifer Cl. Lo. Ho.

By the Uppr House of Assembly

Aprill the 21st 1720

Gentln. His Excellency Desires us to Communicate to you his Letter to this house which is as follows Viz.

Gent. I am Surprized by the reasons Offered by the Lower House for not Advancing me the money on the 3d ꝑ hhd I must Acquaint you I am well informed their Lordships Cannot Superseede my Comission without the Approbation of the Crown now his Majesty has not yet Signified his Pleasure Any Otherways than by his Lycence that I might [return] for Twelve months for the Recovery of my Health And has made no ꝓvision but in Case of my Absence which is left at discretion

It is true Mr Rozier a professed Papist has declared he has done My Business which is the only notice I have of my Being Superseeded, now I hope the Comission of a Govr of Maryland does not Depend on that malicious & Insignificant man. If it does Lord Have mercy on you The Lower House have Acted very Cautiously as to Saving their mony, But I shall Leave it to Time to reveale The Consequence of such Parsimony, thô I cannot help saying I thought I had Deserved at least so much of Maryland that their representatives might have done me a favour which I am ꝑswaded no private friend would have refused me on less Obligations. p. 90

U. H. J. I shall conclude with this remark that as their L^d^ships had made no ꝑvision for my Support at my return but the 3^d^ ꝑ hh^d^ I could not have thought the Lower house would have frustrated his Lordships intentions when my request was no Damage to the Country.

Signed ꝑ Ord^r^ Jn^o^ Beale Cl. Up. Ho.

And Sent to the Low^r^ house by Col Young Esq^r^ Hall & Col Ward who return and Say they Delivered the Same.

His Excellency acq^ts^ this House that M^r^ Speaker has informed him that the Lower House have Declared their Opinion by a Vote that the 3^d^ ꝑ Tonn does not belong to the Gov^r^ for the time being but Imediately Devolves on the ꝑson acting in his Absence.

By the Upp^r^ house of Assembly Aprill the 21^st^ 1720

In pursuance of Your Message by Col Mackall and seven Others of this Instant we have appointed Phil. Lloyd & Tho^s^ Bordley Esq^rs^ of our House to Joyne with such of the Memb^rs^ of your house as you shall think fitt to proceed upon the Address proposed

Signed ꝑ Ord^r^ Jn^o^ Beale Cl Up Ho.

And Sent by Phil Lloyd Esq^r^ & Tho^s^ Bordley Esq^r^ to the Lower House who return & Say they Delivered it

Col Mackall w^th^ three others Deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill the 21^st^ 1720

May It Please Your Hon^rs^

p. 91 We have appointed Col John Mackall Col Nathan Hynson Major Richard Colegate and Mr. Ralph Crabb to Joyne the memb^rs^ proposed by your Hon^rs^ who are ready to Attend.

Signed ꝑ Order M Jenifer Cl Lo Ho.

A Supplementary Bill to the Act Entituled An Act for Setling a Revenue on her Majesty's ꝑsent Governour is thus Endorst Viz.

By the Upper house of Assembly Aprill the 21^st^ 1720

Read and will pass

Signed ꝑ Ord^r^ Jn^o^ Beale Cl Up Ho.

And sent to the Low[r] house by Col Addison who returns U. H. J.
and says he Delivered the Same

The Bill Impowering a Comittee to lay Assess and Apportion the Publick Levey for this P[r]sent year Seventeen hundred & Twenty being read is thus Written Viz.

Aprill the 21[st] 1720

Read & Assented to by the Upper house of Assembly and
Signed p Ord[r] Jo. Beale Cl. Up. Ho.

The House Adjourns until One of the Clock in the Afternoon

Post Merediem

The House meett according to Adjournment

Present

His Excy the Governour

Col Holland	Esq[r] Hall &
Col Young	Col Ward

M[r] Caldwell & M[r] Tasker from the Lower House deliver his Excellency the following Message Viz.

By the Lower House of Assembly Aprill the 21[st] 1720

May It Please Your Hon[rs] p. 92

In Ans[r] to the Observacon your Hon[rs] have been pleased to make on that part of our Answer to Your Message of the 19[th] Instant Wherein we observe we should be wanting in duty to his Lord[p] as well as be drawn into Measures prejudiciall to the Interest of the Gov[r] who may hereafter preside Over us, Our meaning as to that part was no Other than whereas the 3[d] p hh[d] hath been for a Considerable time given to the Gov[rs] who have presided Over us And since to our present Gov[r] dureing his Government in & over this Province: The Gentleman that Succeeds may perhaps very Justly move us to bestow the same Allowance on him which by the measures proposed will be out of our Powers to Comply with And may very Justly lay us under his Displeasure w[ch] we Ought as we Conceive to be very Carefull to Avoid and we assure your Hon[rs] it was never our Opinions that the duty of 3[d] p hh[d] is a profitt by Right incident to the Station of a Gov[r], as we believe will appear by the resolutions Entred on our Journalls upon his Excellencys first Accession to this Governm[t]

Signed p Ord[r] M Jenifer Cl. Lo Ho.

U. H. J. Mr Tyler & Col Herman from the Lower House Deliver Col Holland An Engrost Supplementary Bill to the Act Intituled an Act for Settling a Revennue on her Majesty's Present Govr

To which is thus Written Viz.

Aprill the 21st 1720

Read and Assented to by the Lower House of Assembly And Signed p Order M Jenifer Cl Lo Ho.

His Excy on what he has acquainted this house this day Concerning the Opinion of the Lower House about the 3d p Tonn Demands the opinion of this house who resolve Nemine
p. 93 Contradicente that the 3d p Tonn belongs to the present Governour So long as he Continues Governour being within the Express words of the Law Viz it being to the Govr for the time being.

His Excellency the Governr Comunicates to this house the following Speech Viz.

Gentlemen of the Upper and Lower Houses of Assembly

Baltimore } On due Consideration of the Act of Assembly
Guilford } Entituled An Act for Ascertaining Bounds of Land within this Province we find It absolutely necessary to recomend to you to Explain or reenact the said Law that whilst you are Endeavouring to Secure & Quiett men in their Possessions you do not bind them down to the Determination of Comissioners to be appointed by Vertue of the said Act, as to make their Sentence finall without Appeale (Except Conditionally to his Majesty in Councill as by the sd Act is Provided, To whose Sacred pson every Man Ought to be at Liberty to Address themselves without our Intermedling therewith by Acts of Assembly) whereby in a manner you even Shutt up the Courts of Justice which can never Correspond with the Liberty of a free People or be deemed Consonant to the Laws of Great Brittain the Standard by which we are all Obliged to Govern our Councills.

Among the Severall Laws made att a Sessions of Assembly in May Last we have thought fitt to dissent to the Act Entituled an Act for the Reliefe of John Beale of Charles County Gentl. & Richd Beale a minor and Doe hereby Declare the same Null Void & of no Effect fforasmuch as the Legislature of Great Brittain never Interferes to dispose of Property
p. 94 without Consent of all Parties, leaving Every man's right to be Ruled by the Known Laws of the Land.

And as we can Never more Certainly demonstrate the real Confidence we have in the good People of Maryland than by ffreely Communicating our Sentiments on the Proceedings of you their representatives, We now Signify that Altho we have not yet Dissented to the late Act made for Limitation of Officers ffees, Yet we Cannot in our Judgments approve thereof well Knowing that It is neither for our Hon^{r} or the peoples Interest in the Dispatch of their Business that Publick Ministers should be Deprived of those Allowances which by the Law they have Enjoyed, and which ought not only to be Suff^{t} to pay them for their Labour, But Large enough to Encourage Industry and Integrity in men of Ability to Administer the Affairs of the Government whether Actually residing within the Province or Attending the person of your Lord and Proprietarie wherever he is. U. H. J.

Gentl. The Ease we find in the receipt of the sev^{ll} Dutys on Tob^{o} Setled in Lieu of our Quitt Rents and Alienation ffines & the Better to Enable us to Support our Government whereby you are protected together with the great Bennefitt & Advantage the Poorer & more numerous part of the Inhabitants of our ꝑvince reaps from thence in the non payment of their Rents as Reserved has Induced us for the Comon Good to Consent & Recommend to you to pass a Law for the Continuance of the Act Entituled An Act Ascertaining the Gauge & Tare of Tob^{o} hh^{ds} &c. to Continue & remain in force for three years to Comence from the Expiration of the said Act whereby the af^{d} Duties arise & we cannot think you need to be put in mind to Continue the Act for regulating of Ordinaries for the reasons among many others recited in the preamble thereof. p. 95

We are much Concerned Gentl that you our Friends and Tenants his Majestys good Subjects can have no Expectation of Benefitt from the Duty of one penny ꝑ pound laid on Tob^{o} transported from Plantation to Plantation, His late Majesty King William (of Glorious Memory) having by Letters Patents under the greate Seal of England Setled the same forever on the College of Virginia, but do not Doubt with your Assistance by our Own Power to Establish Such a fund for Encouragement of Learning in Maryland as not only to Answer the very Pious and worthy Design of Supporting the Free school already Built at Annapolis but to make it so Effectually usefull that your own Children there made Capable may reap the Advantage of Discharging the sev^{ll} Offices of Government both in Church & Estate to the Conversion of your Neighbours & Fellow Citizens from the Superstition of the Church of Rome & to the Manifest good of us all in the Equall Distribution of Justice.

U. H. J. By the Upper House of Assembly

Aprill the 21st 1720

Gentlemen.

His Excy having Comunicated to us their Lordship's Speech lately received It is herewith Comunicated to you

Signed p Ordr Jno Beale Cl Up Ho.

Which Message with the said Speech are sent to the Lower House by Col Young Esqr Hall & Esqr Lloyd who return & Say they delivered the same.

p. 96 His Excellency Lays before this house a Copy of a Letter to the Lord Guilford from the Lords Comrs of Trade relateing to the Boundaries of Maryland together with a Coppy of a Letter to the said Lord Guilford from the said Lord Comrs of Trade in relation to pitch & Tarr with a Copy of the Certificate that will be Given by the Officers of the Customs upon which Premiums are to be Allowed And the Method of Preparing Pitch and Tarr in Russia as also Rules for raising and making of Hemp which are as follows, Viz.

White Hall Augt 7th 1719

My Lord. It being Necessary for his Majestys Service and for the Bennefitt of the Plantations that the Limitts or Boundarys of the British Colonies on the Continent of America should be Distinctly Known & marked Out more particularly so farr as they may Border on the Settlements made by the French or any forreign nation we desire your Lordship to send us as soon as Possibly you Can the Best Informations you can gett upon this Subject with respect to the Boundaries of his Majestys Province of Maryland together with a Chart or Mapp thereof And the Best Account and Vouchers you can Obtain to Support the same more ꝑticularly with relation to any Settlement that may have been made by the English on

p. 97 the Frontiers towards the Lakes & mountains your Ldp Will at the same time be Pleased to Inform us whether the Subjects of any fforeign Prince have made any Encroachments on the Province of Maryland

We are my Lord Your Lordships most
Obedient humble Servants
J Chetwynd
D Pulteney
Martyn Bladen

White Hall Augt 26th 1719

My Lord. An Act having been passed in the last Sessions of Parliament Entituled An Act agt Clandestine runing of

Uncustomed Goods & for the more Effectual preventing of U. H. J.
Frauds relateing to the Customs wherein is a Clause which requires a more Strict Examination for the future into the goodness of Pitch and Tarr imported here from the Plantations We send your Lord^p^ the inclosed Printed Copys of the said Act that you may Cause the same to be made known in the Best manner within the Province of Maryland to the ꝑsons concerned in the Manufacturing of Pitch and Tarr And for their ffurther Information we Inclose to your Lordship A Copy of the Certificate that will be given by the Officers of the Customs Upon which premiums are to be Allowed pursuant to the Act of Parliam^t^. Your Lords^p^ will on this Occasion lett those manufacturers of Pitch & Tarr Know that they ought to Consider the Above menconed Clause as designed for their Encouragement and to Establish that Manufacture in such p. 98
maner as that it may be a Lasting benefitt to this Kingdom as well as to the Plantations

We further Send your Lordship a Copy of an Account of the Method practised in Muscovy in making Tarr which ꝑhaps may be of use to the manufacturers of that Comodity in Maryland for the same Reason we likewise Send you Rules for the Raising of hemp.

We are my Lord your Lordships most
Obed^t^ Humble Servants
Charles Cooke
P. Dominique
D. Pulteney
Martyn Bladen

These are to Certifie whom it may Concern that in pursuance of an Act of Parliament passed in the 3^d^ year of the Reign of her late Majesty Queen Anne Entituled An Act for the Encouraging the Importation of Navall Stores from her Majesty's Plantations in America which was Continued by Another Act passed in the 12^th^ Year of the Reign of her late Majesty And likewise of the Powers Contained in an Act passed in the 5^th^ year of the Reign of his Present Majesty Entituled An Act ag^t^ Clandestine runing of uncustomed goods & for the more Effectuall Preventing of Frauds relateing to the Customs We have viewed Barrells of Pitch Containing
Tonns which to the best of our Judgments we find to be Good & Merchantable not mixed with dirt or dross And p. 99
Barrels of Tarr containing Tonns which to the best of our Judgment we find to be Clean good Merchantable well Conditiond & Clean of Dross or water fit for makeing Cord-

U. H. J. age, which goods were imported in the Ship whereof Master from Consigned to and Enterd by the day of and are of the Growth of his Majestys Plantations in America As appears to us by the Masters Affidavit And a Certificate under the hands & Seals of the dated the day of And we find them duly Qualifyed to Entitule the abovesaid to the premiums appointed by the abovesaid Act.

The method of preparing Tar in Russia.

1. Choice being first made of the fattest fir trees which are full of Turpentine, they are barked in the month of October from the Bottom 8 foot high except a slip three or four fingers broad which is left on one side quite up. (Several persons agree the trees must be barked in October and not in the spring). The strip of bark is to be left on the north Side. In this condition the trees are to stand at Least for a year; if for two or three years it is still better, Turpentine setting in the mean time on the part that is barked.

2^{d} When ready for use the Tree is Cut down generally in the winter for the Conveniency of Sled way & the Part which is barked is Cut off Carryed to the place where tis Designed to burn, Splitt att full Length into Billetts ab^{t} the thickness of
p. 100 an Arm & laid in piles Six foot high that a Computation may be made of the Tarr it will Yield.

3^{d} For the burning a Clay ground is Chosen, a trench is made, the wood piled up 30, or 40 fathom more or less as there is Provision, Covered with Earth and the Fire Kindled, Just after the same Methods as are used in Burning Charcoale if tis a loose or Sandy Ground the Bottom of the trench must be well plaistered with Clay.

4th The Trench is made deepest in the Middle after the form of a Shallow Tray, For the Tarr which Sweats out of the wood by the heat to Settle and run off by a little Channell or drain made of Fir bark under the Ground into an hh^{d} or Tubb which is placed at some Distance Lower than the Bottom of the Trench.

5th If the weather is dry and calm that the wood burns slowly, it produces more and better Tarr than if it is windy and burns fast. If it be wett or damp weather the Tarr will be watery, and in that case must be separated and cleaned afterwards. Tis cleaned only by tapping the cask at the end or on the Side, and letting it stand a night, the water will gather there and run off.

6th Store of Cask must be ready to Barrell the Tarr as fast U. H. J.
as it is made. The Russians have a method of preserving theirs in Large Chambers which are dugg into the sides of a mountain on the Lake of Ladoga; the bottom, sides and Topp are Laid with Beams of firr well Joynted and calked, and the Roofe supported by props in the middle. The Roofe and sides p. 101
are Covered with earth, but a large funnel left at the Topp for pouring in the Tarr and a little door on the side next the water from whence by the help of a Cock and Pipe tis Conveyed into the Casks when on Board the Boats, by this means the Tarr is preserved from freezing and Leakage and a great deal of Labour Saved.

7th A Fathom of Wood at full length, six foot broad and as many high, is Computed to produce a Tonn of Tarr, sometimes more, but often less. Twelve Barrels make a Last.

Rules for raising and making Hemp.

The Land should be moist, neither dry nor too wett nor hilly. A black mellow soile produces the best Hemp, and will hold Longest, even to 30 or 40 years; but must generally have two Ploughings after the Hemp is off, and then dunged with mellow dung, 20 Loads to an acre, and ploughed again before the seed is sown, though some Lands, especially where the soile is Deep, will bear hemp many years with little or no manure; and if the Land is weedy it should be harrowed before the last ploughing, to take off the weeds but when the Land is fresh broke up one ploughing is Suffᵗ. If the ground fails it must be seasoned with Beans or the like, And so it may be in Case at any time the first Cropp fails Especially if it Happens for want of Seasoning. Rock weed or Kelp is very good manure for hemp Land. A moist Summer not too wet produceth most hemp. The Lands must be laid near a Levell not above 4 foot broad so that you may reach from the furrows to Weed or pull up the Fimble or male hemp, when your Seed is sown that which is Scattered in the furrows should be thrown with a p. 102
Shovell on the Lands, to prove your Seed Chew it, And if It has an Agreeable Sweetness like Milk and the Liquor looks white it is good but if bitter and the Liquor of a redish Colour tis bad, or break it under your finger on a table if it is good It will be moist if bad Dry and Crumbling. The seed should be Sown in a dry Season in March or Aprill, or in May if the first Cropp fails after ploughing the land Again when your Seed is Sown it must be Harrowed dry And may be Harrowed Again After a Gentle Shower as soon as the Ground is dry, Provided the hemp be not Sprouted. Great Care must be

U. H. J. taken to preserve the seed by Flaps or Otherwise from the Birds & must be weeded if required, two bushels or two & an half will sow an Acre of Land.

The ffimble or Male hemp such as is blasted or that has mett with any Accident & wont produce Seed will be ripe about July, a month before the good hemp as will appear by its Yellow Colour & must then be drawn.

When the seed (which grows in a small Codel) of the good hemp is ripe & ready to Shed it will be brown & hard you must then draw the hemp by hand and Lay a beat (that is about Six hand fulls of Stalks together) for a day or two upon the ground And then with a Whisk of weeds tye it up Just below the Seeds & Sett up four Beats together Opening the Bottom of the Beats (a Shower of Rain does it good), but the topps must not be Covered if you do It spoils the Seed, And if the weather be good, it will be fitt to Thresh in 10 or 14 days which is done upon the ground (beat smooth for that Purpose) with a flail then riddle it with a course Corn Riddle in the wind, And when It is well Cleand, Lay your Seed on a floor & fan it
p. 103 before you use it, An Acre will produce 6 or 7 Combs of seed at 4 Winchester bushells to a Comb, thô sometimes not above three or four (Especially when Disturbed with high winds which are very pernicious when the seed is ripe) also 120 Stone of hemp at 14^{lb} to the Stone.

For Curing the hemp make the Stalks in Shocks and carry it to a place proper to water itt Lay it there with Timber or Turffe or some weight upon it for 10 or 14 Days but no longer than is Absolutely necessary, which you will Judge of by its Pealing, (some water will prepare it Sooner, River Water is best to preserve its Colour) then take it out of the Water And Sett it up on End in Shocks or Beats, Open or Loose, that it may be sooner dryed and when its throughly Dry house it or Stack it well Secured att bottom & Topp

A Kiln like the malsters will Dry the hemp and Cause the Stalks to break much Easier & better free the hemp from Stalks and Shivers & will soon Compensate the Charge of a Kiln.

You may peale of the Hemp at your Leisure by breaking the Stalks near the root & in severall Other places Keeping the root End always one way upon your middle finger turned in & draw the hemp from the Stalk with your other hand repeating it till your finger is full then hang it on peggs or Otherwise & bind it up dry.

If the hemp be not dryed on a Kiln It must be swingled or dressed w^{th} Swingle board over the End of a Deal Board Set

End ways about 4 foot high with an Edge to it or by a Break or some other Engine which may be moved by water or Otherwise. U. H. J.

The Stalks of Course Hemp grows to 10 or 12 foot high but is comonly 7 foot, & should not be Less than 5½ or 6 foot high.

The Premiums Allowed by Act of Parliament for all Hemp Imported from fforeign Plantations is 6£ ꝑ Tunn.

Encouragement for Sowing Land with Hemp.

Land in England for wheat worth 20^{s} an Acre is worth for Hemp from 40^{s} to 50^{s}, And is so lett for a Terme of years. An Acre of Land ploughed Sowed & hemp Come up is generally worth (at Seam in Cambridge Shire) and Sold for £4 an Acre And if likely to prove well for £5. p. 104

An Acre of Land produces as hath been already observed about 120 Stone & is sold from 2^{s} to 4^{s} a Stone that is from 16 to £32 a Tunn And the seed from 8^{s} to 20^{s} & to 40^{s} a Comb According to its goodness, however att 20^{sh} a Comb Supposing an Acre to produce 5 Combs is £5 & 120 Stone of Hemp at 3^{s} a Stone is 18£ which together is £23 the medium or Ordinary produce of an Acre.

The best seed is used for raising hemp for makeing Linnen which must be drawn before it produces seed And will make Cloth worth 2^{s} 6^{d} ꝑ yard when whitened wears very fine & is Vastly Strong.

Seed laid up dry will keep good Several years, Seed makes good Oyle for the Soap boylers

And His Excellency likewise lays before this house the Act of Parliament mentioned in the Lords Com^{rs} of Trade their Letters af^{d} for the perusall of all Concernd.

The House Adjourns Untill to Morrow Eight a Clock

Friday morning Aprill 22^{d} 1720

The House meett according to Adjournment

Present

Col Holland	Esq^{r} Lloyd
Col Young	Col Ward &
Esq^{r} Hall	Esq^{r} Bordley

U. H. J. p. 105 By the Upper House of Assembly Aprill the 22d 1720

Gentlemen. We think ourselves Obliged by Duty as well as it is our Inclinations to Act according to the Best of our Judgments for the Service of our Country And in a particular Manner for the Preservation of the Prerogative Lodged in our Lord Propry and his Representatives and tho your Construction of the Act concerning the three pence p Tonn Seems in favour of that part which belongs to us to Espouse so farr as is Agreeable to Right, Yet the Convictions of our reasons are too Strong in this point to Disengage us from taking up the Contrary Argument.

The Act makes the three pence p Tonn payable to the Govr for the time being, The present Govr Continues Govr by his Majestys Approbation according to Act of Parliament till he be Superseeded; Therefore while He Continues Govr he has a right to all Duties payable to the Govr for the time being of which this is one.

In Case of the present Govrs Absence the Gentl appointed to preside would Act as President of the Councill but not as Govr for the time being

In Case of the present Govrs Death before another Commissionated the Gentl appointed to preside would Act as Govr, as Col Lloyd did on the Death of Govr Seymour in which Case there was no Person in being but Col Lloyd who Could be said to be the Govr for the Time being but as you propose in this Case there would be a Govr for the time being that would not Enjoy the three pence p tonn which as we take it would be a Contradiction to the Express Letter of that Act. We frankly communicate to you the Reasons of our Opinion And should be glad to know the Reason of yours that we might Come to a right understanding in this matter Thô on the whole we must conclude that neither our Opinion nor Yours can alter the plain Significance of the Law itself.

Signed p order Jno Beale Cl. Up House

p. 106 The foregoing Message with the following Lettr Sent to the Lower house by Col Ward & Esqr Bordley who return and Say they Delivered the same.

Which Letter is as follows, Viz

Mr Speaker. As your Answer to what I Desired you to Comunicate to the house in relation to the three pence p Tonn to the Goverr was that it is the Sense of the house it is due to the person Presideing in the Absence of the Govr, And Accord-

ingly have passed a Vote on it, I must Observe to you that U. H. J.
the house have not duly Considered that Law and also that the
Law was Enacted when the Government was Imediately
under the Crown and Still lyes before it for its Assent or
Dissassent.

Againe I Cannot take such Persons to be Friends either to
the Lord Proprietor or the Country who woud have his Lord-
ship's Inclinations alone (tho in an Instruction) to have the
Sanction of a Law.

In a word I insist upon it that the 3^{d} ꝑ Tonn is due to me as
Gov^{r} untill my Comission is Legally Superseeded & resolve to
take all proper measures to maintain it.

Aprill 21st 1720

By the Upper House of Assembly Aprill the 22^{d} 1720

Gentl. It seems you have been much mistaken by your
answer of the 19th Instant to our Message of the 15th Your
Answer Seeming to relate to matters not touched only (but
very fforeign to that Message) And the Explanation his Excy
therein Desired not at all given which was that your House p. 107
would Explain what their Conferrees did mean in the Report
from their Conferrence by saying that this Sessions was
likely very Speedily to Conclude which his Excellency takes
to be his Prerogative to Determine And therefore Desires
your farther Consideration of that matter

Signed ꝑ Order Jn^{o} Beale Cl Up Ho.

Sent by Esq^{r} Bordley to the Lower house who returns &
Says he Delivered the same.

By the Upp^{r} House of Assembly

Aprill the 22^{d} 1720

Gentl. We have observed the Gov^{rs} Gardner has been very
Serviceable and Curious in the makeing Levelling and rolling
the Shell walk before the Publick building for which the
Country has never been Charged any thing thô he has been
very Diligent and Laborious therein. We therefore Recom-
end it to you that He have some reasonable Allowance made
him as a Recompense for Such his Service.

Signed ꝑ Ord^{r} Jn^{o} Beale Cl Up House

Sent to the Lower House by Col Ward who returns & Says
he delivered the same.

U. H. J. Col Mackall and three more from the Low^r House deliver Col Holland the following Message

By the Lower House of Assembly

Aprill the 22^d 1720

May It Please Your Hon^rs

This House on reading the Report from the Gentl appointed to make a further Representation of the Aggrievances Complained of against Maurice Birchfield Esq^r Cannot Concurr therewith for that It is Contrary to the Vote of this House yesterday past in relation thereto.

Signed p Ord^r M Jenifer Cl Lo Ho.

By the Upper house of Assembly

p. 108 Aprill the 22^d 1720

We have Obtained his Excy's leave to Communicate to you his Majestys Royall Lycence for him to be Absent for twelve Months for the Recovery of his Health w^ch we have herew^th Sent that you may not Labour under any Misapprehensions Concerning it We Desire you to puse and return it

Signed p Ord^r Jo Beale Cl Up Ho.

Which Message w^th his said Majesty Royall Lycence therein Mentioned Sent to the Low^r house by Esq^r Hall who returns and Says he Delivered the same

The House Adjourns untill One a Clock in the Afternoon

Post Merediem. The House Meett According to Adjournment

Present

His Excellency the Governour

Col Holland Col Young Esq^r Hall Esq^r Lloyd Col Ward & Esq^r Bordley

By the Upper house of Assembly

Aprill the 22^d 1720

Gentl. It is a great Concern to us that you Seem to reject the Address prepared by the Conference appointed for that Purpose Which we are Induced to believe would have been of great Service to our Country, no man being fitter to negotiate

that Affair than his Excellency who undoubtedly is better informed of those Aggrievances (than we Can Suppose any Other ꝑson to be) but Since you generally reject it without assigning any particular Cause which (if reasonable) we might have Agreed, we shall Content Ourselves with having Discharged our Duty to our Country & Leave it to you to Consider how far you have discharged yours. U. H. J. p. 109

Signed ꝑ Ordr Jn° Beale Cl Up Ho.

Sent to the Lowr house by Col Ward who returns & says he delivered the same.

By the Upper House of Assembly Aprill 22d 1720

Gentl. We observe the Act for Ordinarys &c. Recomended to Continue by their Lordps Speech will Expire in Septembr next if not revived and desire you will Consider if there are not other Acts under like Circumstances that ought to be revived.

Signed ꝑ Order Jn̄° Beale Cl Up Ho.

And sent to the Lower house by Esqr Lloyd who returns & Says he Delivered the same.

By the Upper House of Assembly

Aprill the 22d 1720

Gentl. We take it our Duty to propose to your House that an Address of both houses by way of Answer to their Lordships' Speech be Prepared and desire your Concurrence.

Signed ꝑ order Jn̄° Beale Cl Up Ho.

Sent to the Lower House by Esqr Hall who returns and Says he Delivered the same

Mr Garrett and three more from the Lower House Deliver his Excellency the following Message. p. 110

By the Lower House of Assembly

Aprill the 22d 1720

May It please Your Honours

This House on reassuming their former vote on the 3 pence ꝑ Tonn Agree Nemine Contradicente that his Excy the Govr has a right to the said 3d ꝑ Tonn so long as He shall Continue Govr tho we Concurr with your Honrs that neither your

U. H. J. opinion nor ours can alter the Plain Signification of the Law itself

Signed p Ord^{r} M Jenifer Cl Lo Ho.

M^{r} Lee and 5 more from the Lower House Deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill the 22^{d} 1720

May It please Your Hon^{rs}

This house Concurrs with your Hon^{rs} Proposalls mentioned in your Message of this day by Esq^{r} Hall in Joining in an Address by way of Answer to their Lordships Speech And therefore desire that the Gentl^{n} that are to be appointed of your House may be Nominated that they may proceed thereon And therefore have Appointed M^{r} Phil Lee, Col Jn^{o} Mackall, M^{r} James Smith, Col Roger Woolford, Major Richard Colegate & M^{r} James Lloyd to Joyn Imediately with such members as your house shall so nominate

Signed p order M Jenifer Cl Lo Ho.

M^{r} Tyler & three more of the Lower House Deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill the 22^{d} 1720

May It please your Excellency.

p. 111 M^{r} Speaker having Comunicated to this house your Excellency's Letter of this day have Reassumed their former Vote on the three pence p tonn & have Resolved Nemine Contradicente that your Excy has a good right to the said three pence p tonn so long as you shall Continue Gov^{r} of this Province

Signed p Order M Jenifer Cl Lo Ho.

To which Message his Excy Drew the following Answer Viz.

M^{r} Speaker. I Desire you to Give my thanks to the House for their so unanimously doing me Justice in relation to the 3^{d} p Tonn

By the Upper House of Assembly

Aprill the 22^{d} 1720

Gentl We Concurr with your Message this day by M^{r} Lee and five others of your house in Joyning Phil Lloyd & Tho^{s}

Bordley Esq^rs^ Members of our House with yours to prepare the Address Proposed U. H. J.

Signed p Ord^r^ Jn° Beale Cl Up Ho.

Which Message with his Excys Answer to the Message Delivered af^d^ by M^r^ Tyler & three more are sent to the Lower House by Esq^r^ Lloyd & Esq^r^ Bordley who return & Say they Delivered the same

M^r^ Tasker & M^r^ Ryder from the Lower House Deliver his Excy the following Message Viz.

By the Lower House of Assembly Aprill the 22^d^ 1720

May It please Your Hon^rs^ p. 112

It has been the Opinion of this house hitherto from generall Causes that this Sessions would not have Continued so long Considering there was but little publick Business then before us so that from thence we reasonably might in favour of the Parties Petitioning be willing to referr the further Consideration of that Affair till next Sessions rather than Surprize them by so Speedy a Determination which we take to be the Reason, and Cannot Conceive that any Construction could be made of our pretending to a right of Determining the Duration of the Sessions w^ch^ was never Intended by us For We allow his Excy has the only Prerogative under his Lordships to Determine the same

Signed p Ord^r^ M Jenifer Cl Lo Ho.

M^r^ Walter Smith and M^r^ Caldwell from the Lower House Deliver his Excy the following Message Viz.

By the Lower House of Assembly

Aprill the 22^nd^ 1720

May It Please Your Hon^rs^

We return your Hon^rs^ our hearty thanks for your ffavour in Obtaining his Excys Leave to Comunicate to us his Majesty's Royall Lycence to him which haveing pused we herewith Return being well Satisfyed therewith.

Signed p Order M Jenifer Cl Lo Ho.

The Supplementary Bill to the Act Entituled An Act for Settling a Revenue on her Majesty's present Gov^r^ which is thus Written Viz.

Aprill the 22^d^ 1720

Read & Assented to by the Upp^r^ house of Assembly and

Signed p order Jn̄° Beale Cl Up Ho.

U. H. J. p. 113 Mr Dent & Mr Wailes from the Lowr House deliver Col Holland A Bill for reviveing & continuing an Act of Assembly of this ꝑvince Entituled An Act for Regulating Ordinaries &c. Which was Endorst by that house Viz.

Read the first & Second time by Especial Order & will pass.

Which Bill being Read in this House is thus Endorst Viz

By the Upp house of Assembly
Aprill the 22d 1720
This bill being twice read will pass.
Signed ꝑ Order Jn̄o Beale Cl Up Ho.

And sent to the Lower house by Col Ward who returns and says he Delivered the same.

Mr Dashiell & Mr Ryder from the Lower House deliver Col Holland An Engrossed Bill for reviveing and Continuing an Act of Assembly of this ꝑvince for Regulating Ordinarys &c. To which is thus Written Viz.

Aprill the 22d 1720
Read & Assented to by the Lower House of Assembly And
Signed ꝑ order M Jenifer Cl Lo Ho.

And the said Bill being read in this House is thereto thus written Viz

April the 22d 1720
Read & Assented to by the Upper House of Assembly and,
Signed ꝑ order Jn̄o Beale Cl Up ho.

By the Upper House of Assembly
Aprill the 22d 1720
Gentl. We referr it to your Consideration to make the Chancellor what Allowance you think may be suitable for a Copy of the Laws this Sessions to each County and for one to the Provll Court as usual.
Signed ꝑ Order Jn̄o Beale Cl Up House

The foregoing Message sent to the Lower House by Esqr Lloyd who returns & Says he Delivered the same.

Mr Caldwell & Mr Wailes Deliver his Excy the following Message Viz.

By the Lower house of Assembly Aprill the 22d 1720 U. H. J.

May It please your Honrs

Both houses of Assembly haveing Agreed that John Peter Zenger should print the Laws of Each Sessions for the Severall Countys and Provll Court &c We apprehend It would be to great a Burthen to the Country to pay both the Chancellor and Printer for them p. 114

Signed p Ordr M Jenifer Cl. Lo. Ho.

His Excellency proposes to this house to Address his Majesty haveing never yet had any Answer of former Addresses made to his Majesty that they were presented

To which Proposall this House make Answer that they shall readily pceed to the prepareing such Address in Concert with the Lower house if they think fit to concurr therein, if not to Prepare one Seperate

By the [Upper] House of Assembly

Aprill the 22d 1720

Gentl. On his Excellency's Proposall we have Agreed to Address his Majesty And Desire yor house to Joyne with us in preparing the same

Signed p Ordr Jn̄o Beale Cl. Up Ho.

Sent to the Lower house by Col Holland Col Young and Esqr Hall who return & say they have delivered the same.

Mr Lee with five Others from the Lower House with the following Message.

By the Lower House of Assembly

Aprill the 22d 1720

May It please Your Honrs p. 115

We are not a little Surprized at his Excys Proposalls and your Honrs Concurrence in proposeing to this house an Address to his Sacred Majesty at a Juncture of time when we might reasonably have Expected to have returned to our Familys in Order to Consult their Welfare haveing been long Detained here without being Able to do any great Service to our Country and many of our Membrs sick and Absent And as we Enjoy what we may or Can reasonably desire And having ffrequently sett forth our great Satisfacon under the Protection of the Best of Kings and having nothing to ask of his Majesty as we Can perceive at this time We desire to be Excused.

Signed p Order M Jenifer Cl Lo. Ho.

U. H. J. An Address being Drawn up by a Conferrence appointed for that purpose to his L[d]ship is laid before this house as follows Viz.

To the Right Honble Charles absolute Lord & Proprietarie of the Provinces of Maryland & Avalon Lord Baron of Baltemore &c. And to the right Hon̄ble Francis Lord Guilford

The Humble Address of your Lordship's Upp[r] and Lower houses of Assembly of Maryland.

May It Please your Lordships

We take ourselves to Lye under the Deepest sense of Gratitude for your L[d]ships most Acceptable Speech Transmitted to us this Sessions which we shall duly regard.

p. 116 Your Lordships Reasons for regulacon of the Act Entituled An Act Ascertaining the Bounds of Land are too Agreeable to the Experience we have had of that Law to fail of a perfect Conviction of the necessity of itt but the Law is of so great Importance that it requires the Most mature Deliberation to Concert the proper Alterations And therefore we begg leave to defer such Amendments till the next Sessions when we Doubt not but all due regard will be paid to your Lordships favourable Inclinations

We think ourselves Obliged as near as may be to follow the Example of Great Brittaine in all our Parliamentary ꝓceedings And Acknowledge your Lordships great favour in apprizeing us with the practice thereof in respect to private Acts but with all defference to that happy Constitution and Submission to your Lordship's observation thereon we are forced to Acknowledge that the Infancy of our Country does not as yet Admitt of such an Extensive Administration in the Ordinary Courts of Justice here, but that in some particular & Extraordinary Cases the Assistance of the Legislature may be Absolutely necessary to Supply the defects thereof.

We shall have a due Regard to your Lord[ps] Sentiments relateing to the Act for Officers Fees being fully Satisfied of the necessity of Supporting Officers Agreeable to their Sev[ll] Stations but shall begg your Lordship to permitt us to Deferr that Consideration Likewise to Another Sessions

An Engrost Bill for reviveing the Act ascertaining the Gauge and Tare of Tob[o] hh[ds] untill the Twenty ninth day of Septem[r] Seventeen hundred & Twenty one, on his Excy the
p. 117 Gov[r] his recomendation had past both houses of Assembly before the Receipt of your Lordship's Speech which we hope will be accepted as a Complyance with your Lordships Comands in respect to that Law 'till a further Opportunity and the

Act for regulating Ordinaries is Likewise revived for the same time U. H. J.

We most Humbly Acknowledge the Tender regard your Lordships Express for the Encouragement of Learning here And have great reason to be Concerned that your L^{dps} favourable Indeavours for the Application of the duty on Tob^{o} Exported from Plantation to Plantation are not likely to prove so Effectuall as is Wish't for the Propagation of Schools in this Province And we shall with great Alacrity Embrace any Opportunitys that your Lordships shall favourably Offer to so good & pious An End.

And we most unanimously Offer to your Lordships our Joynt & most Sincere Acknowledgment for the repeated favours bestowed on us from time to time by your Lordship for whose Long & prosperous Lives (as in Duty bound) we shall offer up our prayers to Divine Providence.

Which being Approved off by this house is signed by the severall memb^{rs} following Viz.

W^{m} Holland	Samuel Young
John Hall	Tho^{s} Addison
Phil Lloyd	Matt. Tilghman Ward

And Sent to the Lower house to be signed by the Several members thereof.

Col Holland sent down to the Lower House to acquaint M^{r} Speaker that his Excy requires him & the whole house to Attend him Imediately in the Councill Chamber who returns & says he Delivered the same. p. 118

Whereupon M^{r} Speaker and the whole House attend his Excy And saw the following Acts sealed with his Lordships Greater Seale of this ꝑvince and Assented to by his Excy on behalf of the Right Hon̄ble the Lord Propr^{y} of this Province Viz.

N^{o} 1. An Act for the Naturalization of Herman Kinkee a Dutchman & his Children Peter Manadoe a Frenchman & his Children of Cecill County, John Laviel a Frenchman of Calvert County Ja^{s} Parandier & John Parandier of Charles County.

2. An Act for the vesting in the Rector and Vestry of William & Mary Parish in S^{t} Marys County & their Successors an Estate in ffee Simple in the old State house in S^{t} Mary's City in S^{t} Mary's County and the Lott of Land whereon the same Stands for the use of the said Parish for Ever

3. An Act for the reliefe of Ephraim Gover & to Invest him with an Estate in ffee Simple in the Lands therein menconed

U. H. J. 4. An Act Impowering Certain Com^rs & Trustees to dispose of the remaining p^t of the ꝑsonal Estates which were of Tho^s Smithson late of Dorchester County Gentl^n & Tho^s Smithson
p. 119 late of Talbott County Esq^r Dec^d & to Setle & Assess the losses Damages & Costs by Tho^s Hicks Gent. & John Davis Son & heir at Law of Jeremiah Davis sustained as also to Value the Lands whereof the s^d Tho^s Smithson of Dorchester County & the said Tho^s [Smithson] of Talbot County dyed Seized And to Dispose of so much of the s^d ꝑsonal Estate And the s^d Lands as will Satisfie the said Tho^s Hicks and the said Jn̄° Davis for their Damages losses and Costs sustained by means of a Warranty of Land from the s^d Tho^s Smithson of Dor County & the said Tho^s Smithson of Talbot County to the s^d Tho^s Hicks and Jeremiah Davis made

5. An Act to Enable Benjamin Duvall of Prince Georges County to Sell two hundred Acres of Land part of a tract of Land Called Howerton's Range And for Entailing Other Lands in Lieu thereof.

6. An Act for the Reliefe of Jn° Deavour of Baltimore County

7. An Act for reliefe of Benj^n Howard in makeing good the Survey of Howards Purchase

8. An Act to Invest an Estate in ffee to John Clements of Queen Ann's County in a Certain Lott in the Town of Cambridge in Dorchester County.

9. An Act Reviving & Continueing the Act Entituled An Act for Ascertaining the Gauge & Tare of Tob^o hh^ds from the 29^th day of Septem^r next untill the End of the first Session of Assembly that shall Happen after the 29^th day of Septemb^r

p. 120 10. An Act for giving further Time to the severall Tradesmen who Orriginally took up the new Lotts within the Addition to the City of Annapolis to Improve the same

11. An Act to Supply Certain Defects in the Conveying of Lands from Henry Gibbs Son & Heir of Edward Gibbs sometime of Som^rsett County in the Province of Maryland dec^d to Benjamin Lawrence Jn° Belt & Lucy his wife Heirs of Benj^n Lawrence sometime of Calvert County of the same Province dec^d

12. An Act Impowering a Comittee to Lay Assess & Apportion the Publick Levey for this P^rsent year Seventeen hundred & Twenty.

13 A Supplementary Act to the Act Intituled An Act for Setling a Revenue on her Majesty's p^rsent Gov^r

14. An Act for reviveing and Continueing an Act of Assembly of this Province Entituled an Act for regulating Ordi-

narys from the 29th day of Septem[r] [next until the 29th day of Septem[r]] which shall be in the Year of our Lord 1721. U. H. J.

After which his Excy is Pleased to Prorogue the Assembly as follows Viz

Gentlemen.

With the Advice of the Right Hon̄ble the Lord Proprietary's Councill of State I have thought fitt & do Prorogue this Present Generall Assembly untill the 4th day of July next Ensueing, and do require you to take notice that you are Accordingly so Prorogued. p. 121

So Ends the 5th Sessions of Assembly held for this Province since his L[dp] the right Hon̄ble Charles Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been restored to his Governm[t] of this Province this 22[d] day of Aprill in the 5th Year of his Lord[ps] Dominion &c. Annoq Dom 1720

Test John Beale Clk Upper House

PROCEEDINGS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, April 5–22, 1720.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss. L. H. J.

M. H. S. Collection Calvert Papers (770) p. 1

At a Session of Assembly (by Prorogation from the Sixth day of June Anno Domini 1719) Held at the City of Annapolis in Annarundell County on Tuesday the fifth day of April in the fifth year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c[a] Annoq Domini 1720 appeared in the Lower House of Assembly of the Same Province,

The Honourable Robert Ungle Esquire Speaker.

From S[t] Mary's County
M[r] Tho[s] Waughop
M[r] Truman Greenfield
M[r] George Clark

Kent County
Col: Nathaniel Hynson
Cap[t] S[t] Leiger Codd
M[r] James Smith
M[r] Lambert Willmore

Ann Arundell
M[r] Joseph Hill
Cap[t] Daniel Mariarte
M[r] Richard Warfield

Calvert County
Coll[o] John Mackall
Jn[o] Rousby Esq[r]
M[r] Walter Smith
M[r] Benjamin Mackall

Charles County
Cap[t] John ffendall
M[r] Robert Hanson
M[r] George Dent

Cecil County
Col[o] Ephr[a] Aug[t] Herman
M[r] Roger Larramore
M[r] William Dare

Talbott County
M[r] James Lloyd
M[r] Thomas Edmondson

Baltemore County
Coll[o] James Maxwell
Maj[r] Rich[d] Colegate
Capt. ffrancis Dollahide

Somerset County
Cap[t] John Jones
M[r] Benjamin Wailes
M[r] John Caldwell
M[r] George Dashiell

Dorchester County
M[r] John Brannock
Col[o] Roger Woollford
Cap[t] John Rider
M[r] Peter Taylor

Prince Georges County p. 2
M[r] Robert Tyler
James Stoddert Esq[r]
M[r] Philip Lee
M[r] Ralph Crabb

Queen Anns County
M[r] Charles Wright
M[r] James Earle

City of Annapolis

L. H. J. Ordered that Coll: Mackall and Mr Tyler go to the Upper House to Acquaint His Excellency that a Sufficient number of Members are met to make an House.

They Return and Say they Delivered their Message.

Coll° Holland from the upper House acquaints Mr Speaker that it being too Late for this House to Attend His Excellency, they may proceed on Such Business as Lyes before them

The House Adjourns till to Morrow Morning Eight of Clock.

Wednesday April 6th 1720

The House met According to adjournment

Present as Yesterday.

Ordered that the Secretary prepare writs of Election.

To the Sherife of St Marys County for the Electing a Delegate to Serve in the Room of Coll° Henry Peregrine Jowles deceased.

To the Mayor Recorder and Aldermen of the City of Annapolis for the Electing two Members In Stead of Thomas Bordley and John Beale Esqrs who Since Last Assembly are removed, the former to be a member of the Councill, the latter to be Clerk to the Councill.

To the Sherife of Charles County for the Electing a Delegate in the Stead of John Parry Deceased

To the Sherife of Cecill County for the Electing a Delegate in the Stead of Capt James ffrisby Decd.

To the Sherife of Baltemore County for the Electing a Delegate in the Stead of Coll: James Phillips Deceased.

p. 3 To the Sherife of Talbot County for the Electing a Delegate in the Stead of Major Emerson who is Dead Since he came to this Sessions.

Coll. Young from the Upper house Acquaints Mr Speaker that his Excellency Requires him and the whole House to attend him Immediately in the Councill Chamber.

Thereupon Mr Speaker with the whole House went to the upper house, where His Excellency was pleased to make the following Speech Viz:

Gentlemen of the Upper and Lower Houses of Assembly.

By a Speciall Instruction from the Right Honourable The Lords Guilford and Proprietor dated in London the 23d March 1718 the Assembly of this Province Stands Prorogued to this present Month of April And tho' I am not Honoured with their Lordships' reasons for this unusuall method of

Prorogation, yet I am perswaded they must have been Ex- L. H. J.
traordinary and as I have not their Lordships commands further to prorogue you, It Seems to be their Determined pleasure, you Shou'd meet at, this, their appointed time.

Therefore use the Opportunity (which in all probability will be the last I shall have) to recomend to your Consideration Severall Important affairs for the good Government and Welfare of His Majestyes Subjects of this Province.

Gentlemen.

You are Sensible the Act Ascertaining the Gauge and Tare of Tobacco Hogsheads expires on the 29th day of September Ensuing, this Act Contains three Perticulars Essential to your ease and Prosperity, first The Provision for Support of Government.

2d The Equivalent given in Lieu of your Quit Rents and Alienation fines and

3d The Regulation of your Tobacco Trade, the Staple and Wealth of Maryland.

I must here Acquaint you that I have wrote in very Press- p. 4
ing Terms to their Lordships for Instructions on the Support of Government, and on the Equivalent for your Quit Rents and thô my Correspondents Inform me my Letters have been Delivered, I have not yet received their Commands thereon, Occasion'd, as I presume, By the long Course of Contrary Winds which Retards the arrival of the Ships Expected from London, so that I must confine myself to offer you my own Sentiments on them.

As for the Support of Government the very mentioning of it Implyes the necessity of a proper provision to be made, for Maintaining the Honour and Character of your Governour and other judiciall and Ministerial Officers, With which when Ordered to be laid before you for your Consent your Complyance is not doubted.

The Law that Relates to your Quitt Rents as it now Stands, Took its rise from my Observation of the wrong done the Late Lord Proprietor in the Collecting and from the Manifold Inconveniencies and Difficultyes The Tenants Laboured under in the paying them in order to redress both, I proposed the Expedient of Adding Six pence ꝑ Hogshead to the Eighteen pence formerly given, to be in full Satisfaction for your Quit Rents and Alienation fines this with much Difficulty (as you may Remember) was obtained and now after Some years' Experience I have the Pleasure to find no Proprietor here has Ever received So Great an Annual income as the Present Lord has done Since the passing that Act, nor were Ever the Tenants better Pleased or more Easy in their Possessions.

L. H. J. It is obvious my View in Laying this Scheme was purely To Promote a Common good, this obliged me to represent it to their Lordships as I now Recomend it to you, that it may be again Agreed on and Reenacted. But that you may be able to Evince the Justice and Conveniency of this Act against the designing Insinuations of it's Self Interested accusers, who on pretence of friendship, would Impose on his Lordship to his owne and the Country's Damage; It will require your
p. 5 Care to Compare the value of the Rents that have been annually collected on the former Establishment with the Sums that have been paid His Lordshipp's Agent Since the Commenceing this Act, that lays the two Shillings on Each hogshead exported by which his Lordship may the better judge of his ffriends, and of the truth of this position, you have time before you, and it is the concern of Every ffreeholder that falls under your Circumspection in this Particular.

I am commanded by his Sacred Majestyes Instructions to take care that Trade in all it's branches be duly Regulated in this his Province. I do therefore in his name Recommend it to you, that the Ascertaining the Gauge and Tare of your Tobacco hogsheads be not in any wise Neglected on the Expiration of the Present Act.

Gentlemen.

The Claim made by the Papists of a Right to hold all Offices in this Government in equal degree with the Protestants, seems Still to be kept on foot by them, thô some few there are, and very few of that perswasion whose Prudence renders them more Cautious. Yet I observe they all forbear makeing any renunciation of their pretentions and altho the many defeats, they have met with dureing my administration, may have discouraged them from an open procedure yet it is highly probable they wait a more favourable conjuncture to put their designes in practice.

Their attempts have already given great uneasiness and Heart burnings to his Majestyes faithfull Subjects here, and in perticular created to me, your Governour, much Trouble and Inquietude. I can truely say my Life has been Uncomfortable, from that period I first Rejected their projects, and am now become a memorable Instance of the effects of Popish malice.

I am Informed there have been late affronts and Insults offered by papists and their adherents to others in Authority who fall not into their Measures, by which it Seems to be their Resolution to Endeavour not only by Secret Calumnies but even by violence to Terrify all good men from opposeing them.

I take it therefore to be absolutely necessary to set their machinations in so Clear a Light, as I hope will for the future Silence their Clamours or Expose those Disturbers of the Publick Tranquility to the lash of those Laws, that were long Since provided against them. L. H. J.

I shall not now entertain you with an Historicall Relation of Obtaining the first Grant of this Province, nor yet, mention the Administration of the Government under the late Lord Proprietaries Believing it will Suffice that I Acknowledge, the Papists had more than an equal Share with the Protestants in holding judiciall and Ministerial Offices here from the date of the Charter 1632 to the year of our Lord 1691 when their late Majestyes King William and Queen Mary were pleased to send you a Governour, of their appointment, after this Maryland Continued happily Governed for twenty-four years the Respective Governours in that Space receiveing their Commission and Instructions immediately from the Crown of which I had the Last Honour. But so soon as his Present Sacred Majesty condescended to Restore the now Lord Proprietor (on his professing himselfe a Protestant) to His Hereditary Government, the Papists Instantly laid in their Claim, to be also restored to their former pretended Previledges which when offered to me for my Approbation by their Principal Agent, was Dismist with this Answer I would oppose it to the utmost of my Power. Hence our troubles took their rise. p. 6

Upon the first Insurrection of the Rebells in Great Britain against His Majestyes person and Government, Those of the Same evil disposition here were so elated with the hopes of their Imaginary Success, and so open and dareing on that presumption that I was early Obliged to check and restrain their ffollys by a Proclamation published the 14th ffebruary 1715 to which I referr you for my reasons of so doing.

On the tenth of June following (the Supposed Birth day of the Pretender) the Great Guns of this City were fired off late in the Night these Offenders were soon Discovered by a Reward published in a Proclamation and afterwards punished according to their Demerits.

Soon after these Transactions M^{r} Charles Carroll a profest Papist arrived from London with a Commission of so Strange a Nature that under pretence of being his Lordships Agent, it Included with His Instructions, many Essential parts of Government. These he Produced to me wherein he had power given him to Receive all the Money raised for the Support of Government and Even that for purchaseing armes for the defence of the Country. p. 7

L. H. J. I Refused Indeed to Comply with both these his Demands, as being Expressly Contrary to the Laws of the Province, and Surely I am Excuseable also in point of Policy for so doing, for I should have been by so Servile a Compliance, reduced to the Dispicable Circumstance of Applying to him for my Bread by Craving of him that Appointment, their Lordshipps were pleas'd to Nominate for my maintenance, and also been guilty of betraying this Country into the hands of a man who by Principle is an Enemy to the Protestant Constitucōn, and this too at a time when the Rebellion was Scarcely Suppressed in Great Britain and other Invasions threatned to destroy it.

This person not only renewed his demand of the money mentioned for the Support and defence of the Government in his Letter of the 9th October 1716 but had the Confidence therein to Caution me against passing some Laws the Assembly then Sitting had prepared for my assent I shall only mention one Law I Did, notwithstanding his Insolent advice then pass Viz.

An Act for the better Security of His Lordship's Government and the Protestant Interest within this Province.

The first Publick Occasion this Person Exerted his Commission on was to discharge two Criminalls out of Prison (one of them his Nephew) who had been Informed against for firing the Great Guns on the tenth of June, but Convict of more heinious Crimes against his Majesty, and this he did Contrary to the Judgment of the Court of Oyer and Terminer held on that Occasion, which Obliged me to Remand them to Prison, untill the fines adjudged were Complyed with, and Immediately Sent for Mr Carroll and Tenderd him the Oaths which he refused to take, for which reason I Required him to Act on his Commission that part only which related to his Lordship's private Estate ffor that it was a Publick Affair, and more than unreasonable, that a Profest Papist Shou'd Set
p. 8 Criminalls at Large, who were convict of so great Crimes against our Sovereign, by only giving a Line to the Sherife that the Lord Proprietor was Sattisfied as to the fines Imposed.

Severall Commissions were brought in by Mr Carroll, some filled up to Papists and others in blank and on my refuseing to Admitt the Surveyors Generall of the Eastern and Western Shore, without first takeing the Oaths appointed by Act of Assembly, I was not only menacēd for having thereby Shutt up his Lordship's Land Office; but Even Insulted on my Sick bed at a late hour of the night when in a Dangerous State I was makeing my Will as some Honourable Gentlemen can Testify, whom I desired to be Witnesses on the Occasion.

On my application to their Lordshipps to be removed from this Station, rendered unsafe and dishonourable whilst those Commissions had force, their Lordships in due time, withdrew those Commissions, and Placed them in the hands of Protestants and required me to remain in my Station, Acknowledging they were Surprized into their former Grants to papists. L. H. J.

M^r^ Carroll was Examined by me in Councill concerning his Imposeing on their Lordships (then unexperient in the Affairs of Maryland) by obtaining such a Commission (which contain'd more unlawfull powers, than are yet mentioned) who was so farr from Acknowledging his faults of so high a nature that, with a Haughty air he Insisted the Roman Catholicks had a right to hold Offices and if th^t^ Right should be denied them, they would appeal to Higher Powers.

Pursuant to this Declaration the Papists, as I am well Informed, Raised Contributions and Sent their Emissaries for Great Britain to make good their claim, and by all means, to Endeavour my remove from this Station as a main obsticle to their Illegal Practices, and so sure was the Faction of their Game that my ruine was openly threatned, and one of their accomplices (whome the Pleasure of Providence has Since removed to Another Life) went Down on his knees, and with a horrid Execration said, he did not Doubt to see me as fast in Prison as ever he was (who had been so for Murder and Other Crimes) and my Innocent children Set a begging. Truely this unhappy man aided by the Faction, did all th^t^ a base mind could Perpetrate, to Destroy my Character and fortune. But as he and the Papists could alledge nothing Materiall for my Removall, which they have attempted for Some Years past and my Greatest Crime (in their Construction) being the Defence of Your Laws, Providence has hitherto preserved me from being wholly offered up a Sacrifice to their Revenge, but it would take up too much of your Time to ennumerate the particulars of their Resentments, so shall only Observe to you, If their fury has been So outrageous to the Person of your Governour, what must the people have Expected from men of such Virulent and Implacable Spirits, could they gain their ends, on those they esteem Hereticks p. 9

How Surprizing will this appear if Properly Represented, that Such things were acted under the Auspicious Reign of his Sacred Majesty King George the Guardian and Defender of the faith, and in the Government of a Lord Proprietor who has so often profest himself of the Protestant Religion under the Tuition of his noble Guardian, always of that perswasion.

How happy might those of the Romish Communion be in Maryland, had they accepted the terms offer'd by me in a pub-

L. H. J. lick Declaration which are so Easy, as Even their duty requir'd, Viz: that they should not Interfere with the Affairs of Government which did not Appertain to them, and not to pervert the Protestants from their faith, and by Consequence from their Allegiance, as is the Constant Practice of the numerous Jesuits here. Woud to God the poor protestants in foreign parts now indeed under persecution on the Score of Religion might be Indulged with the same Lenity the Romanists enjoy here, the papists having Insinuated in Great Britain that they were persecuted in this Province In order to obviate that Calumny, I was obliged at the opening of the last Sessions of Assembly to make them a Publick Challenge (which I now again repeat) to give one Instance wherein any of their Community, were persecuted or even prosecuted by Law for Conscience Sake. The only reply made on their part, was by a
p. 10 Gentleman who Informed me some of the Principall of the Roman Catholicks had Shewed him a paper that was Intended to be presented me by them, in which, he sayed they seemed to acknowledge they had not been persecuted; But at the Same time it contain'd Some things which Looked Like a Claim of Rights at the mention of this I expressed my Dislike to their Claim, and doubt not my so doing, and the hopes they had of my Sudden Removeall from my Station were the Reasons that paper was never offered me.

Gentlemen.

The pretence of the Papists that Maryland was granted as an asylum to them from the Rigour of the penall Laws in England is a position of theirs has Long amused the world, and perhaps I am the first that has Discovered or at least maintained it was an Imposition, for they Cannot have a better Right than what the Charter admits them to and in my opinion, there is so far from a provision being made therein that the Government should be in their hands in any degree, that there is not even an exception made for the free exercise of their Religion.

It has been affirmed, that Cecilius Lord Baltimore Published a declaration, Inviteing all persons that believed in the name of Jesus to Settle and inhabit this Province promising them all equall Priviledges yet I presume it will be admitted, that Noble Lord Cou'd not give greater powers than he had.

For after all the Priviledges and Immunitves mentioned in the Charter towards the Conclusion there is this proviso made viz: "Provided always, that no Interpretation be admitted thereof, by which God's holy and truely Christian Religion,

or the Allegiance due unto us our heires and Successors may L. H. J.
in any wise Suffer any prejudice or diminution."

The Charter was granted by King Charles the first who was a Protestant and Certainly could not intend this Proviso in favour of any other Religion than that of which he was a Zealous Professor. But to make this more evident it is ex- p 11
pressly Stipulated in the body of the Charter That all Churches Chapells and Oritories, be Dedicated and Consecrated according to the Law of the Kingdom of England, this so well explaines it Self that it wants no Comment, I am only Surprized from what Latent Cause the Papists derive any Priviledges here beyond what the connivance of the Government may Indulge them in.

You may observe from your own Experience and from what I now mention that their pretentions (however Ill grounded) have created great disturbances in this Government and Shoud they gain their points in view may possibly one day prove fatal even to all his Majestyes plantations on the Continent, considering the prodigious Settlements a formidable nation of their own perswasion are Extending on our Backs. These Reflections merit your Precaution, for it is much easier and Safer, to prevent than to cure an Inveterate Distemper, contracted by a long neglected, Ill habit in the Constitution. But that I may not be wanting on my part to apply proper Remedies to these great and growing evils I hope you will approve of my Intention of Sending for some principal persons of the Papists in Order to examine them before this Sessions, what Priviledge they have a Right to that they Enjoy not, and I promise them readily to Concur with you in allowing them whatever is their due without the least Violation. But if this fair Occasion will not induce them to expose their Claims to a Publick Examination, I must own it will Confirm me, as I think it may Reasonably perswade all mankind besides, that they are Cautious it will not bear the Light.

I know no Right of theirs that is Infringed and if any there be let them make it appear (In the name of God) that they may have justice done them, and that this Province may no longer labour under the misapprehensions of their Right or under the Imputation of Severityes against them, but if there be none Such, let their Silence be taken as an Acknowledgement that their pretentions are groundless and their exclamations most unreasonable.

I am the more Intent on this Proceeding that I may have the Oppertunity of Answering for you here and hereafter, the p. 12
better to prevent their Impositions on Strangers to their case

L. H. J. and on The Credulity of unguarded minds by their Amusements

Gentlemen of the Lower House.

I Have Severall other Matters proper for your consideration which shall be communicated to you by way of Message. In the mean time I do Earnestly Recommend to you unanimity and dispatch in your Proceedings and I do not doubt (whatever vain hopes others may have) you will make it Evident to posterity that you are good Subjects, good Protestants, and Lovers of your Country.

Jo. Hart

April 6th 1720

The House adjourns till one a 'clock in the afternoon

Post Meridiem

The House meet according to adjournment.

Mr Peter Taylor a member Returned to Serve for Dorchester County appears in the House.

Thereupon ordered that Col: Woolford and Mr Brannock go with the said Mr Taylor to the Upper House to see him Qualified.

They Return and say they see him Qualified.

His Excellencys Speech being Read this House Resolves to Enter on the debate thereof to morrow morning.

Resolved that the House will Sit to do Business from Eight of the Clock till Eleven in the forenoon and from one till five in the afternoon and Ordered the following message be Prepared Viz:

By the Lower House of Assembly

April 6th 1720

May it Please your Excy and Honours

This House in order to dispatch Business as much as in them lyes have Entred a Resolve to sit from Eight of the
p. 13 Clock till Eleven in the forenoon and from one till five of the clock in the Afternoon and Desire to know whether the times Appointed be agreeable to your Excellency and Honours

Signed p Order M. Jenifer Cl: Lo. Ho.

Sent to the Upper House by Mr Benjaman Mackall and Mr Caldwell.

They return and Say they delivered it.

Resolved That Eighteen Members with the Speaker be a Sufficient number to make an House. The Committees appointed and Sent out Viz: L. H. J.

For the Comittee of Elections and priviledges Col° John Mackall, John Rousby Esq^r^ M^r^ James Lloyd M^r^ Ralph Crabb Cap^t^ Richard Colegate.

For the Comittee of Laws, James Stoddert Esq^r^ M^r^ Philip Lee, M^r^ James Smith Col° Roger Woollford, Col° John Mackall Cap^t^ Richard Colegate.

Committe of Agrievances M^r^ Robert Tyler Cap^t^ Daniel Mariartee M^r^ Charles Wright Coll Nathaniel Hynson and M^r^ Thomas ffisher.

Comitte of Accounts, M^r^ Joseph Hill Cap^t^ S^t^ Lieger Codd, Cap^t^ Jn° Rider and M^r^ James Earle.

Ordered that the Severall Clerks of the Severall Comittees take the Oaths to the Government and Subscribe the Test According to Act of Assembly and the following oath Viz:

You do Swear that as Clerk to the Committee of you shall true Entries make of all such matters and things as by the said Comittee Shall be to you directed The Secretts of the said Comittee you shall not reveal or divulge to the Prejudice of any member of the Lower House of Assembly and shall in all things as Clerk to the said Comitte well and truely demean your selfe according to the best of your knowledge

So help you God.

The House adjourns till to morrow Morning Eight a Clock.

Thursday morning April 7th 1720

The House meet according to adjournment. Yesterdays proceedings are read.

The petition of Harman Kinkee and Peter Manadoe praying Leave to bring in a Bill for their Naturalization was Read and leave given to bring in a Bill on Qualifying themselves according to Law. p. 14

James Stoddert Esq^r^ returns a Certificate that the petitioners have Quallified themselves According to Law.

Col° Addison from the Upper House Delivers M^r^ Speaker the following Message Viz:

By His Excy and the Upper House of Assembly
April the 7th 1720.

We approve your proposalls as to your times of Sitting

Signed p Order
John Beale Cl. Up^r^ Ho.

L. H. J. And also Delivers the Petition of Benjaman Duvall praying leave to bring in a Bill to Cut off the Intail of Two hundred acres of Land part of Howerton and for the Entailing other Lands in the lieu thereof to the Same uses thus Indorst Viz.

By the Upper House of Assembly

April the 7th 1720

The within Petition is Referred to the Lower House to Consider thereof

Signed p Order
John Beale Cl. Upr Ho.

Which was Read and leave given to bring in a Bill as prayed.

The house Adjourns till one a Clock in the afternoon.

Post Meridiem.

The House meet according to Adjournment.

The petition of Nathaniel and Anthony Lecompt praying to be Relieved against Joseph Vansweringen who holds the Lands of Mark Cordea, who Married the Widow of Anthony Lecompt the Grandfather of the petitioners for a Claim of 25000^{t} Tob° was Read and Referred till next Sessions and Orderd that Joseph Vansweringen or others concerned have notice of the petition, that if they think fitt they may appear next Sessions and answer the same and leave given to Subpœna Evidences.

Col° Ephraim Augustine Herrman a member Returned to Serve for Cecil County to the last Assembly, but being then hindred thrô Sickness from Attending Appears now in the
p. 15 House. Thereupon ordered that Mr Dare and Mr Larramore go to the Upper House to see him Quallified according to Law

The Comittee for Elections and priviledges return to the House the following Report Endorsed on the Indenture of Election for Mr Peter Taylor Viz:

By the Comittee of Elections and Priviledges

April the 7th 1720.

The Comittee having Inspected into an Indenture for Mr Peter Taylor a Member elected for Dorchester County, the said Indenture being the Sherifes part the writ and other Indenture not appearing by some Neglect, and on enquireing of the Gentlemen of the same County If any Objection against the said Election and none appearing we Judge the said Peter

Taylor Duly elected all which we humbly Submitt to the Honourable House. L. H. J.

Signed p Order
M. Jenifer Cl. Co.

Mr Speaker Delivers to this House the Particular Account of Stationary Sent for by the said Mr Speaker to England according to The Order of Last Assembly viz:

Half a Ream best Royal	1.. 8..—
2 Reams Demy Royall	4.. 8..—
4 Reams fine Writing 15s	3..—..—
6 Reams Ditto Smaller 9s	2..14..—
12 Dozn writing parchment Large Skins at 12s	7.. 4..—
¼t Pumice Stone	—..—.. 4
¼t Gumsandrick	—..—.. 4
1 Dozen best Japan Ink	—.. 5..—
	18..19.. 8
Trunk with Matt and Cord	—..12.. 3
Entry Custom and Shipping	—.. 8.. 8
Primage and Bills of Loading	—.. 2.. 6
Com° at 2½ p Cent	—..10.. 1
in a Trunk Marked R. M. N° 1	20..13.. 2

Col° Tilghman from the Upper House Delivers Mr Speaker the petition of James Gladston and Mehitable Pierpoint to Supply Some defects in the will of Robert Anderson thus Endorst. p. 16

By the Upper House of Assembly
April the 7th 1720.

The Consideration of the within Petition is referrd to the Lower House of Assembly.

Signed p Order
John Beale Cl Upr Ho:

Which was Read in this House and referred till next Sessions and Ordered that the heirs of John Anderson have notice thereof that they may appear next Sessions if they think fitt to answer the Same and leave given to Subpœna Evidences.

The House adjourns till to Morrow Morning Eight a Clock.

L. H. J.

ffriday April 8th 1720

The house met according to Adjournmt

Yesterday's ꝓceedings are Read.

The petition of the Bozmans referrd till Monday next.

The petition of Major Hicks is referrd till Monday.

The petition of Mary Dorrington referr'd till Tuesday next.

The Petition of the Inhabitants of Baltemore County about the Choice of a Sherife read and referred till next Sessions.

The petition of Benjamin Howard praying to be relieved on a Survey made for his father but no Certificate returned thrô the Neglect of the Surveyor was read and leave given to bring in a Bill as prayed.

The Debate about the Councellors' Allowances is further referrd till next Sessions.

The Remonstrance of Sundry Inhabitants Praying that their Levies may be paid in money at one penny ꝑ pound, is further referred till next Sessions.

The Petition of William and Mary Parish praying the favour of the Country to bestow on them the old Stadt House was read and leave given to Confirm the Same to the use of the said Parish for ever.

The petition of Mark Brown against the Land Commissioners in Prince Georges County read and referred for further
p. 17 Consideration to the next Assembly and ordered the said Commissioners appear then to Answer the Same.

The petition of Ephraim Gover praying that a Bill may be brought in to Confirm him Three Tracts of Land lying in Prince Georges County bought of a certain Thomas Holdsworth Gent. Deceased was read and Leave given to bring in a Bill as prayed.

The House adjourns till one a Clock in the afternoon.

Post Meridiem.

The House met according to Adjournment.

Resolved that no petitions be Received after Tuesday next and that they be Debated on Wednesday next.

The House adjourns till to Morrow Morning Eight a Clock.

Saturday Morning April 9th 1720

The house met According to Adjournment.

Yesterday's proceedings are Read.

The petition of Severall of the Tradesmen in Annapolis Complaining of Sundry Aggrievances was Read and referred

for a hearing till Wednesday next and ordered that the Clerk of the Mayor's Court Lay before the House a List of fees. L. H. J.

The petition of William and Mary Parish in Charles County was Read and Referred till Monday next for hearing

The petition of John Brannock praying to be Relieved on a Survey for him made but [no] Certificate returned Read and referred till next Sessions and Ordered the parties Concerned appear before this House next Sessions and answer the Same if they think fitt and leave given to Subpœna Evidences.

The petition of Sarah Lloyd Executrix of the Testament of Edward Lloyd Esq^{r} Deceased Complaining of some foul practices in the Secretary's office was Read, and Ordered that the Clerks of the said office appear before the House Immediately.

M^{r} Edward Griffith according to the order above appears and being demanded how such an Endorsment came to be made as in the said petition is mentioned viz: Recorded in Lib^{r} P. L N° 4 fol: 261 p Ed: Griffith Clerk, Whereas no such Record was made Answers that he never see the said Patent nor made any such Endorsement but that a certain M^{r} Moses ffodry who was and Still is employed by M^{r} Secretary Lloyd to Record the patents made the same. Ordered that the Serjeant of this House take into his Custody the said ffodry so that He have him here at one of the Clock in the afternoon or when the house shall think fitt to call for him to answer the same. p. 18

The House Adjournes till one a Clock in the Afternoon.

Post Meridiem

The House met according to adjournm^{t}

M^{r} Stoddert from the Comittee of Laws Delivers M^{r} Speaker the Answer to His Excellency's Speech which was read and approved and Ordered to be Entred as follows, Viz:

The Humble Address of the Lower House of Assembly

May it Please Your Excellency:

Whatsoever the motives have been that Determind their Lordships to prorogue the Assembly to this time (which Doubtless were Weighty) we think it our Indispensible Duty to return to your Excellency our thankfull Acknowledgm^{t} of the Repeated Instances your Excellency has given us from the time of your first arrival of your great Care and Concern for the good Government and welfare of this Province So for giveing us this Oppertunity in pursuance of their Lordships appointment for Concerting those Important affairs your

L. H. J. Excy has been pleased to Recommend to us in your Speech to both houses at the opening of this Session of Assembly, which So much respects the good Government and Welfare of his Majestys good Subjects here which we have very much at Heart and shall apply our Selves with our utmost Care and Deligence to the Consideration of,

And particularly The Act Entituled An Act ascertaining the Gauge and Tare of Tobacco Hogsheads &c[a] which Contains so many things Essential to the Honour and Interest of his Lordship and the Ease and Prosperity of this Province shall be duly Considered by us in all its branches, and we shall Readily Joyn in Concurrence with your Excellency and the
p. 19 Upper house in such Measures as Shall be thought most proper and Essential for the Secureing and Continueing so great a good (as this by Experience is found to have been) from the time of the Expiration thereof as it now Stands till the end of the first Sessions of Assembly that Shall happen after the Twenty ninth day of September next.

And here we Cannot pass this head without again returning our hearty Thanks to your Excellency for your care and Diligence in Inquireing into and makeing your Just Observations from the wrongs done the late Lord Proprietor in the Collecting and from the Manifold Inconveniencies and Deficulties the Tenants then Laboured under in paying the Quitt Rents and for the redress of both, the Expedient you proposed of adding Six pence to the eighteen Pence ꝑ hh[d] formerly given in full Sattisffaction for the whole quit rents and allienation fines, which has proved equally so advantageous to his Lordshipp and Easie to the Inhabitants, and thô it seems to be attended with Some Difficulty for us to make a just Comparison between the value of the Rents that have been Collected before and The Sums that have been paid his Lordships agent on that Account, Since the Comencement of the above Mentioned Act yet we doubt not but that his Lordship whose Interest herein is so much Concerned and who has a better Oppertunity for so doing than we have, will soon discover the Difference and the Great advantage accruing to him from the Latter.

When we Consider and reflect upon the many attacks and unnaturall Rebellions made and raised in great Britain by papists and their Adherents as Dangerous to the full if not a more dangerous Enemy than themselves against the person and Government of his most Sacred Majesty George (whom God Long preserve) wee the less wonder at the unwearied and Restless Attempts of the papists and their adherents to disquiet and render your Excellency uneasie in your Adminis-

tration of the Government here who has always with so much Zeale and resolution Exerted your Authority in the defence of our present happy Protestant Constitution in Asserting our Christian Liberties and Priviledges and in punishing Such as have dared in an open Manner to attack the former and by your Wisdom Speciall care and diligence have hitherto disappointed and rendered all their more private Machinations and Contrivances against both uneffectuall. L. H. J.

It is no Small Griefe and Concern to us to observe the Ill treatment your Excy has met with from time to time for that party which is too obvious under their pretence of haveing an Equal Right with Protestants to Share in all the judiciall and Ministeriall Offices and Employments in this Government and their continued murmers and complaints of Hardship and wrongs done them in that they are not Restored to what they call their Right. We know of no Legall right they have to anything more than what they Enjoy, and we think they might have been a happy people had they accepted and observed those Easy Terms offered them by your Excellency which was as well their duty as Interest. And here we Cannot but joyn with your Excellency in that Christian Prayer to God that the poor persecuted Protestants in fforreigne parts Might but be Indulged with the same Lenity the Romanists Enjoy here. p. 20

Wee heartily and readily Concurr with and approve of the wise and judicious method proposed by your Excellency for Applying a proper Remedy to those growing Evils your Excellency mentions, which if neglected might Possibly in time prove fatall to all his Majestyes Plantations on this Continent and your Condescending Goodness (notwithstanding all the provocations you have met with) in giveing the Romanists such a fair Oppertunity for the Ascertaining their right, If any they have to more or Greater Priviledges than they now Enjoy with a promise annexed to allow them whatever appears to be their due.

This being done we Presume cannot fail to render those people Easy and Obviate any cause of Murmer or Complaint against a Governour and Government from whome they have so much Lenity allowed but at least if it should fail herein yet we hope it cannot fail of Enabling your Excellency according to your kind intimation of answering for us both here and hereafter, and of preventing their Imposition on Strangers to their Case and on the credulity of unguarded minds by their Amusements. What other matters and things your Excellency shall think proper during this Sessions to Communicate to us by way of Message shall be duly considered as they come before us, and we hope our unanimity and Speedy Dispatch of the proceedings of this Session will be a Sufficient Evidence

L. H. J. p. 21 not only to the present age but to posterity that we are good Subjects good protestants and hearty Lovers of our Country.

Signed p Order M Jenifer Cl. Lo: Ho:

Mr Moses Fodry appears according to the order in the morning in the Custody of the Serjeant but the debate thereof is referrd till Monday next.

Esqr Hall and Mr Lowe from the Upper House delivered Mr Speaker the following Message and papers Viz.

By the Upper house of Assembly, April the 9th 1720.

Gent.

His Excellency haveing Communicated to This House the papers herewith Sent you It seems to us by the Letter of the Honourable the Commissioners of the Customs that our late Address to their Lordships concerning the aggrievances the people of this Province Laboured under in the Prosecutions of Maurice Birchfield Esqr against them has not been so Intelligibly Stated, as to give their Lordships nor the Commissioners a right Conception thereof.

We therefore Recommend that, That address be again, Inspected, that wherein we have heretofore come Short of an Ample State of that matter it may be now Supplyed.

Signed p order John Beale Cl: Upr Ho:

Mr Speaker

I Desire you will acquaint the house that I inclose you a Copy of a Letter from his Majestyes Commissioners of the Customs Directed to the Right Honourable the Lord Guilford. The first part of that Letter Contains an Answer to your address of Grievances (in which I had no part). It lyes therefore on the Assembly to Answer for themselves, But I cannot help Remarking I am very Ill treated in that Letter on the Representation of a Gentleman who has already been but too much a favourer of a faction here as has been made apparent, by a Member of your house, Mr Rousby, to the Commissioners of the Customs. This I speak from my own Knowledge haveing Seconded that Gentlemans Remonstrance to them, with Letters to my friends, the Success of which is Evidently known. I say I am Ill treated, when because you complain of Grievances to your Country, an Occasion is taken
p. 22 from thence to accuse my Character, tho, I thank God it Can be only [on] Misrepresentation and in Generall Terms Yet the Conclusion of the Commissioners Letter Seems to Levell Directly at my Administration in the Chancery Court, for I am no further concerned in the Recovery of the money and

effects due to His Majesty in this province, than as a judge of L. H. J.
Equity, and for my Conscience I am Answerable to my God alone, and defye the most Invidious of my Enemys to make out either Partiality or Corrupcõn against me and Surely I should have made my Court with a very Ill Grace to so just and good a King, as his Majestye is, If I Should have given up the property of his Subjects, meerly because his Name was made use of, by those imployed under him.

This was one cause why I gave up the Seals But what more Immediately obliged me to that Resignation is herewith Inclosed, ffor when I found I could no longer maintain the Honour and Dignity of my Station as Chancellor I voluntarily and Chearfully gave up my Interest that I might preserve my Integrity which no power on Earth can remove from me.

Jo. Hart.

My Lord.

We have the Honour of your Lordships Letter of the 9th of September last Transmitting to us the address that had been presented to the Lord Baltimore and to your Lordship by the Upper and Lower Houses of the Generall Assembly of Maryland, wherein Maurice Birchfield Esqr Surveyor Generall of the Southern Continent of America is Represented to have put Severall hardships on the Inhabitants of Maryland by the manner of his Proceedings against Severall persons, who were debtors to Merchants that had fail'd Considerably Indebted to his Majesty for the dutys on Tobacco in this part. We haveing Examined into His Conduct in those matters do not find the said Birchfield has done any more than his duty, and we take this Oppertunity to acquaint your Lordshipp that it appears to us by Severall Instances, that his Majesties Service has Suffered by the Obstruction the said Birchfield has met with from Col Hart Lieut. Governor of Maryland; we therefore Desire that your Lordship will be pleasd to direct the said Lieutenant Governor not to Obstruct his Majesty's Service under our Management, But that he will be Assisting p. 23
to the Officers of the Customs in His Government, as by Law he is required to do, in the due performance of their Dutys as well in putting the Laws in Execution against Illegall Trade, as for Recovering the money and effects due to his Majesty in that Province.

We are my Lord
Your Lordships
Most humble Servants
Walter Young
I: Pulteney
T. Walker

Custom House
13th Decr 1718

Directed
To the Rt Honble the Lord Guilford

L. H. J. Charles absolute Lord and Proprietarie of the Provinces of Maryland and Avalon Lord Baron of Baltimore and the Right Honourable Francis Lord Guilford his Guardian To John Hart Esq^{r} our Lieutenant Gov^{r} and Keeper of the Great Seale of the said Province of Maryland, and in his Absence To our keeper of the Great Seale of the Province for the time being:

Whereas Thomas Macnemara Esq^{r} by an Order made in the Court of Chancery the 10th day of October One thousand Seven hundred and Seventeen Stands Suspended from his Practice in the said Court untill he Should make his due Submission, And Whereas upon his application to us against the said Order we have declared that he ought to make a Reasonable Submission, before he Should be Restored to his practice there, and the said Tho^{s} Macnemara haveing lately made a Sattisfactory Submission to us the said Lord Prop^{ry}, we have thought fit that the said Suspention be taken off and do hereby Order and direct that you the said John Hart our Lieutenant Governour and keeper of the Great Seale of the Province or in your absence the Keeper of the Great Seale of the Province for the time being do forthwith discharge the said Order and All Orders Explanatory thereof, and Restore the said Thomas Macnemara to his practice in the said Court.

Given under our hands and Seals this 26th day of ffebruary Anno Domini 1718. Baltimore (L S)
Guilford (Seale)

To John Hart Esq^{r} Liev^{t} Gov^{r} and Keeper of the Great Seale of the Province of Maryland and in his Absence to the Keeper of the Great Seale of the said Province for the time being. These.

p. 24 His Excellency's Speech in Council at the Delivering up the Great Seales of this Province.

Gentlemen.

I must confess myself Surprized at the manner of proceeding to Restore M^{r} Macnemara by a formall precept to his practice before me, without makeing a due Submission to me who was personally affronted in the Execution of that office wherein I represented the Lord Proprietary

I say I am Surprized because I find this precept (or Order or whatever Denomination it may go under, for it is a Novelty) Contrary to their Lordships' Sundry Letters that Signified their Approbation (Even with Encomiums) of what I had done in that matter, that M^{r} Macnemara ought not to be Restored, till he made his due Submission to me, and now to

find their Lordships order him to be restored, without so much as a Letter from them to me on an occasion (which Surely was not Triffling) does Indeed amaze me, and certainly the Support of the Magistrates will Deserve your attention at Least. L. H. J.

That affronts were given me by Macnemara (and to whome in a publick Station were they not given by th[t] man of Infamous and Insolent Memory) in the Execution of my Office is Admitted. These were Vertually affronts to His Lordshipp but they were Such actually to me, and thô I Doubt not but his Submission to their Lordships has Sufficiently Satisfyed for affronts to them, Yet I find (thô I Desired no other than a Submission Suitable to the Dignity of my Station) there was no reparation Intended me, But on the Contrary the Offender Imposed upon me by this writt, to practice before me in despight of my Authority and without leaving me any awfull power to Influence him into a decent Deportment, without which I must observe in the Common Voyce of the Country, Justice cou'd not be ministred against his Inclinations or the Interest of his Clients.

It is true the person is removed by the Impartiall hand of Providence from giveing any further Disturbance; but the Example may be laid hold on by other practitioners (and some there are of his Kidney Vehement Espousers of a Popish ffaction) as to prompt them to use me with such Indecencies p. 25
as are Inconsistent with the Grandeur even of an Inferiour Court, Since they find others have done it at so Cheap [a] rate. It seems to threaten with Intailing Affronts upon me; If I Continue to act as Chancellor; and therefore to avoid that in a publick Chancellor,[1] which I never will bear in a private Capacity, I have thought fitt to appoint Coll° William Holland Chancellor and Keeper of the Seals of this Province, and Accordingly do now deliver them.

I have this Consolation, that haveing so Long been Chancellor here, and as I was by that Office a judge of Equity I thank the Great Judge of Mankind (to whom I appeale) I never violated my Conscience in that Office with Partiality or Corruption.

Which were Read and referred for further Consideration

The House Adjournes till Monday Morning Eight a Clock.

[1] *Character* intended.

L. H. J. Monday Morning April the 11th 1720

The House meet according to Adjournment Satterday's proceedings are Read.

The Answer to his Excellencys Speech Read again and Sent to his Excellency by the Gent of the Comittee of Laws and Six other Members.

They return and Say they Delivered it.

The Petition of William and George Bozman referred till one a Clock in the Afternoon and ordered all parties concerned be Ready there to Attend.

The house adjourns till one a Clock in the afternoon.

Post Meridiem. The House meets according to adjournment.

The Petition of James Parandier and John Parandier praying to be Naturalized was read, and leave given to bring in a Bill as prayed on Qualifying themselves according to Law.

The petition of William and George Bozman praying that they may have Leave to bring in a bill to Confirm the Will of William Bozman their Grandfather was Read, and the allegation of the parties Concerned being heard leave is given to bring in a Bill as prayed.

p. 26 The Petition of Thomas and Risdon Bozman praying Leave to bring in a Bill to Confirme their Fathers Will was read, but on hearing the Allegations of John Macclaster against bringing in a Bill to Confirm the Same the Petition is Rejected Nemine Contradicente.

Coll° Holland and five more from the Upper House Deliver Mr Speaker the following Answer of his Excellency's to the address of this House which was Read and ordered to be Entred as follows Viz:

April 11th 1720.

Gentlemen of the Lower House.

Your Address of this day is very Acceptable to me, for which I return you my hearty thanks.

I Look upon it as a great ffelicity that after so many Years Residence amongst you as Governour I find my Administration to your Sattisfaction, and my person in Esteem of the best, and with Pleasure I can say, much the greatest number of his Majesty's Loyall Protestant Subjects here

I must at the Same time acquaint you that I Intend soon to make the proper use of his Sacred Majesty's Licence of leave to return for Great Britain for the Establishment of my

Health and when I shall be there permitted to give an Account of my own Conduct; and of the misconduct of others in relation to this Government, I then propose to be a Suppliant for my Quietus from a Station, I do not think Consistant with the Character I have hitherto (by the permission of Providence and favour of the Crown) acquired, and which I think is Incumbent on me to maintain, Yet whatever Condition of Life it Shall Please God to allot me, My Zealous Assiduous and affectionate application to promote the Welfare and Prosperity of Maryland, Shall never be wanting to the Utmost of my Capacity. L. H. J.

Jo: Hart.

A Bill for the Vesting an Estate in fee Simple in the Stadt House and Lott of Land in S^{t} Mary's County to the use of William and Mary Parish for ever read the first time and Ordered a Second reading to Morrow.

Bill for the Relief of Samuel Gover was Read the first Time and Ordered a Second Reading to morrow. p. 27

The house Adjourns till to morrow Morning Eight a Clock.

Tuesday Morning April the 12th 1720

The House meet according to Adjournment

Yesterday's procedings are Read

Cap^{t} Codd has the leave of this House to go Home.

The Petition of Richard Thatcher praying to be relieved against An Act formerly past in favour of Robert Roberts for the Sale of John Toe's Land was read and referred till next Sessions, and ordered the parties Concerned have notice that if they think fitt they may Appear next Sessions to Answer the same

The Petition of Richard Bennett Esq^{r} Read and referred till next Sessions and Ordered all parties Concerned have notice thereof, if they think fitt, to answer the Same.

The Petition of John Macclaster praying leave to bring in a Bill for the Sale of the Lands of John Bozman Gent Deceased towards paying his debts read and referred till next Sessions and ordered the heirs of John Bozman or others Concerned Appear then if they think fitt to Answer the same

Bill for the Naturalization of Sundry Persons therein Mentioned Read the first and Second Times by Especiall order and will pass, which was thus Endorst.

Bill for Vesting an Estate in fee Simple in the old Stadt house at S^{t} Marys County to the use of William and Mary Parish and their Successors read the Second time and will pass which was so Endorst.

L. H. J. Bill for Relief of Ephraim Gover Read the Second time and will pass which was so Endorst.

Which said Three Bills were sent to the upper House by M^r^ Tyler and M^r^ Lloyd.

They return and Say they Delivered them.

The Petition of Thomas Plummer referred from Last Sessions was read and Leave given to bring in a Bill to Confirm the Deed therein mentioned.

The House adjourns till one a Clock in the Afternoon.

Post Meridiem

The House met According to Adjournment.

p. 28 The Petition of John Peter Zenger praying that he may have the Liberty of Printing the Laws for the Severall Countys the Provinciall Court and Upper and Lower house of Assembly was read and

Resolved that the Petitioner have the Liberty of Printing the Laws for the Severall Countys Provinciall Court and a Body for the upper House and another for the Lower House of Assembly and that he bind the severall Bodies for which the Severall Counties and Publick shall pay Seven hundred pounds of Tobacco p Body.

Which petition was so Indorst and Sent to The Upper House by M^r^ Rousby and M^r^ Caldwell.

They Return and Say they Delivered it.

Bill Reviving an Act Ascertaining the Gauge and Tare of Tobacco hh^ds^ &c^a^ was read the first and Second times by Especiall Order and will pass which was so Endorst and sent to the Upper House by M^r^ Rousby and M^r^ Caldwell

They Return and Say they Delivered it.

Coll^o^ Holland from the Upper House Delivers M^r^ Speaker the Petition of John Peter Zenger Thus Endorst Viz:

By the Upper House of Assembly April 12^th^ 1720

This House agrees as above proposed.

Signed p Order John Beale Cl: Up^r^ Ho

Coll Holland from the Upper House Delivers M^r^ Speaker Bill for Naturalizing Sundry persons therein Mentioned thus Endorst Viz:

By the Upper House of Assembly April the 12^th^ 1720.

Read the first time and will pass with the Addition of the words after the Crown of Great Britaine within this province

Signed p Order John Beale Cl: Up. Ho:

Which was amended Accordingly. L. H. J. p. 29
And the Bill for Relief of Ephraim Gover thus Endorst Viz.

By the Upp[r] House of Assembly April the 12[th] 1720
Read the first time and will pass.
Signed p Order
John Beale Cl: Up: Ho:

And the Bill for Vesting the Old Stadt house in S[t] Mary's County and the Lott of Land whereon the Same Stands to the use of the said Parish for Ever thus Endorst Viz:

By the Upper House of Assembly April the 12[th] 1720
Read the first Time and will pass.
Signed p Order John Beale Cl: Up[r] ho:

Which bills were Read and past for Engrosing and sent to the Committee of Laws to be Engrost.

The petition of Thomas Hicks and John Davis, Son and heir of Jeremiah Davis praying that the Lands of Coll° Thomas Smithson may be Subjected to make good a Warranty of Lands to them Sold by the Said Smithson was read and Leave given to bring in a bill to Subject as well the Lands of Thomas Smithson of Dorchester County as the Lands of Coll° Thomas Smithson of Talbot County to make good the Warrantys of the two tracts of Lands in what the personell Estates of the said two Smithsons shall fall short.

The petition of Benjamin Laurence and John Belt and Lucy his wife praying leave to bring in a Bill to confirm a Deed from Henry Gibbs to them made was read and leave given to bring in a Bill as prayed

M[r] Garrett and M[r] Tasker appear in the house being returnd as members to Serve for the City of Annapolis on the writt of Election Issued this Session.

Whereupon Ordered that M[r] Hill and M[r] Warfield go to the Upper House to see them Quallifyed

They return and Say they See them Quallified Thereupon they took their places.

The House adjourns till to morrow Morning Eight a Clock.

Wednesday April the 13[th] 1720

The house met According to Adjournm[t]
Yesterday's proceedings are Read.

L. H. J. p. 30 Bill for Confirming William Bozman's Will was read and will pass Nemine Contradicente which was so Endorst and sent to the Upper House

The petition of Edward Smith praying that the Assembly would Grant him One hundred and Twenty foot of Ground in length to make a Saw yard of. Was Read and referred till next Sesisons.

The Petition of Thomas Hynson Wright is further referred till next Sessions and Ordered the Parties concerned have notice thereof.

The petition of S^{t} Ann's Vestry read and referred till next Sessions.

The Petition of Richard Cole and Mary his wife read and referred till next Sessions, and ordered the parties Concerned have notice thereof.

The petition of the Vestry of William and Mary Parish in Charles County is referred till next Sessions.

This house haveing taken into Consideration Coll Samuel Young Treasurer of the Western Shore his Letter Desireing that he may have an Order to Dispose of Sundry Bills of Exchange for money,

Ordered that the Treasurers of the Eastern and Western Shore Dispose of Such Bills of Exchange they now have in their hands or shall hereafter have due to the Publick to the best Advantage they Can for money for the use of the Province, and that they render a particular Account of what Bills they Shall Negotiate to whom paid away and for how much ꝑ cent to the Comittee for Laying the publick Levy or the next Session of Assembly which shall first happen Reserving only so much as will discharge The Countrys Sterling debts in bills of Exchange.

The petition of John Kirk Complaining of the Land Comissioners of Dorchester County was read and rejected

The House Adjourns till one a Clock in the Afternoon.

Post Meridiem

The House meet according to Adjournment.

p. 31 Col^{o} Young and Col: Ward from the Upper House Deliver M^{r} Speaker the following Message Viz:

By the Upper House of Assembly April 13th 1720.

His Excellency haveing Communicated to this house a Letter Directed to him from The Honourable Thomas Addison Esq^{r} one of our Members wherein he makes mention of a

petition Preferred to your house against him the Coppy L. H. J.
whereof has been produced to us under your Clerk's hand
by which it appears he Stands charged with great partiality
in the Execution of his Office as a Land Commissioner, and
the said Thomas Addison Esq^r haveing represented to us that
the said petition without his being ever called to Answer there-
to is by your house referred to the Consideration of the next
Sessions of Assembly by which means he is not only deprived
of the present Oppertunity of Justifieing his Conduct in the
discharge of his Office Aforesaid, But further declares he
cannot think it proper for him to act in those other Eminent
Stations he has the honour to be advanced to in this Govern-
ment untill he shall have acquitted himselfe of the facts Im-
puted to him in the said Petition, and forasmuch as we think
it Unreasonable that any Gentleman, and Especially those
who Occupy such Honourable Imployments in the Govern-
ment should be Taxed after such an undecent Manner with
Notorious Crimes and be Denyed a Speedy Oppertunity of
Justifying themselves,

We therefore in the most pressing Manner desire, that a
day may be Assigned dureing the Continuance of this Sessions
for the Examination of the facts set forth in the said petition
and to give the said Thomas Addison Esq^r an Oppertunity of
Answering for himself and as an Inducement thereto, we have
herewith Sent you the Letter before mentiond whereby you
may perceive what Scandalous Liberties have been taken to
abuse him on other Occasions.

And we the more Earnestly press this matter to your Con-
sideration as a member of this House is Concerned therein.

Signed p Order John Beale Cl: Up: Ho:

9^th^ April 1720. p. 32

May it please your Excy.

Its now ten years that I have had the Honour to be Im-
ployed in Some Stations of Eminent Trust in this Government,
and most humbly begg Pardon that I appeale to your Excy
whether (Since your Arrival here, which is near Six years
of that time) I have not Served my Country with my Constant
Attendance and application. What may be wanting in Ca-
pacity I can't account for, But thought it my duty on the Com-
mand of my Sovereign To Imploy the best of my Ability that
way, and Should Continue most Chearfully so to do if I might
with Honour, but when mens names in Such Stations as
oblige them to the conservation of the peace are Treated in all
Conversations (where they are absent) by the Bare terms of
Little mean Rascally fellows and Taxed with such Vilainous

L. H. J. things as I now am by a petition put into the Lower House, and the parties so Scandalizing and Accuseing will not bring those things to the Test I can't Conceive how I am to do myself Justice without a Manifest breach of the Oaths I have taken & I cant but think myself a meer pageant of paistboard while I sitt in those Stations and must Suffer such Barbarous affronts. Good Sir, Give me leave to tell your Excellency, that I am the son of a father that I am sure would never have made me the better for a penny he had acquired in the World, if he had thought I had poorness of Spirit to Suffer such usage where this party of People (for they are but a party thô I fear a very formidable one) has Encouragement to use men in Publick Stations at this rate I don't pretend to judge but must do your Excellency the Justice (as I am Shure the world will) to declare I am well Satisfyed it is not from you and Since Experience tells us the Government is not to Right men in things of this Nature, Necessity obliges me to make it my most Humble Request to your Excellency that you would be pleased to put so favourable an Interpretation on this as not to look upon it, out of any Disrespect to your Administration that I
p. 33 Humbly Begg you will discharge me from all Offices I am now Concerned in, which I shall always most Thankfully Acknowledge as a great favour, as I did and doe your Excy conferring them on Your Ex^cys^

Most Obedient & humble Servant
Tho. Addison

I Can't but think myself
at present, in the
Condition of a man whose hands
are tyed to be Buffeted.

Bill for Relief of Benjaman Howard read the first and Second times by Speciall Order and will pass, which was So Endorst and Sent to the Upper House by M^r^ Warfield and Cap^t^ Dollahide.

They return and Say they Delivered it.

Moses ffaudrie in the Custody of the Serjeant appeares as also the Secretary and the Clerks of the Severall Offices with Madam Sarah Lloyd the Petitioner.

Thereupon the said ffaudrie is discharged paying fees.

This House are desirous to Know what security the Secretary has given for the Execution of the Land Office and Ordered the following Message be prepared viz:

By the Lower House of Assembly April the 13^th^ 1720.

May it please your Excy and Honours

This House being Informed there are Sundry Misfeazances Committed in the Land Office, wherein is Concerned the most

Valuable Estates we and our posterity are likely to Enjoy and whereas the greatest Caution is Necessary to be given by persons Enjoying places of so great Concern So we take it Indispensibly to lye on us to Represent our thoughts on this Occasion to your Excellency and Honours whom we intreat to enter into Such measures as may be most Conducive for the Security of so lasting and great an Interest for the future, which Precaution, we humbly think Necessary to be used with the Other great Offices in this Province, we apprehend there has been no Security already given on such occasions nor any oath for the due Execution of their Offices. L. H. J.

Signed p Order M Jenifer Cl: Lo: Ho:

And Sent to the Upper House by M^r James Lloyd & M^r Walter Smith.

They Return and Say they Delivered it.

The Committee of Elections and Previledges Returns their report from that Comittee on the Election of M^r Tasker and M^r Garrett which was Ordered to be Entred as follows Viz: p. 34

April 13^th 1720 By the Comittee of Elections and previledges.

On Inspection into the Indentures returned from the City of Annapolis its found that M^r Benj^a Tasker and M^r Amos Garrett Delegates therein Mentioned are duly and fairly Elected.

Signed p Order. Phi: Hammond Clk. Com

An Engrost Bill for the reliefe of Ephraim Gover and to Invest him with an Estate in fee Simple in the lands therein mentioned.

An Engrost Bill for the Naturalization of Herman Kinkee a dutchman and his Children Peter Manadoe a ffrenchman and his Children of Cecill County, John Lavile a ffrenchman of Calvert County, James Parandier and John Parandier of Charles County.

An Engrost Bill for vesting in the Rector and Vestry of William and Mary Parish in S^t Mary's County and their Successors an Estate in fee Simple in the old Stadt House in S^t Mary's City in S^t Mary's County and the Lott of Land whereon the Same Stands for the use of the said Parish forever.

Which Said three Bills were read and Severally thus Endorst Viz:

April the 13^th 1720.

Read and Assented to by the Lower House of Assembly and,

Signed p Order M Jenifer Cl: Lo: Ho:

L. H. J. And Sent to the Upper House by Col: Mackall and M^r^ Wailes.

They return and Say they Delivered them.

M^r^ Lloyd from the Upper House Delivers M^r^ Speaker the bill Reviving an Act Ascertaining the Gauge and Tare of Tobacco hh^ds^ &c^a^ thus Endorst Viz:

By the Up^r^ House of Assembly, April the 13^th^ 1720

Whereas His Excellency the Governour Observes to this house that he has no Instructions Concerning his Lordship's rents and therefore desires a provisoe may be made in the Bill herein to be revived, with these words:

p. 35 Provided That in case his Lordship's approbation of this Act be not Signified by the Twenty ninth day of September next that then the said Two Shillings p hogshead to be Collected after the said Twenty ninth day of Septemb^r^ Shall be paid to the Publick Treasurers of this Province To the use of His Lordship without any Deduction if he shall afterwards Signifie his Approbation thereof but if his Dissent be Signified thereto then That it Shall be applyed to the use of the Publick in Such manner as the Generall Assembly Shall hereafter appoint Which with the Amendment above Proposed will pass

Signed p Order John Beale Cl Up Ho.

Which was Read and ordered to be amended Accordingly.

Col^o^ Ward from the Upper House delivers M^r^ Speaker the petition of Thomas Bordley and Thomas Larkin praying the publick either to Allow them the value of the Publick Pasture about the City of Annapolis or Suffer the Same to revert to them as Proprietors, thus Endorst Viz:

By his Excellency the Governour and the Upper House of Assembly

April the 13^th^ 1720

The within Petition being read is recommended to the Lower House for their Consideration thereof.

Signed p Order Joh. Beale Cl Up Ho.

Which was Read and referrd till next Session of Assembly.

Bill for the relief of John Deavor read the first and Second times by Especiall Order and will pass, which was so Endorst and Sent to the Upper House by Maj^r^ Colegate and Cap^t^ Dollahide.

They return and Say they Delivered it. L. H. J.

Mr Tyler from the Committee of Aggrievances delivers Mr Speaker the following Reports of that Committee Viz:

By the Committee of Aggrievances April the 13th 1720.

It being Offered to this Committee as an Aggrievance that the Sherife of Cecil County Mr James Vanbeber haveing laid an Account of Insolvent Taxables before the Court of the same County amounting to Eight or nine Thousand pounds of Tobo alledging that the persons were some dead and others had absented themselves out of the said County on whose Affirmation, the Bench was pleased to allow him the said Sherife the full Ballance of his Account. p. 36

But on Inspection Since it is found, that great part of those Insolvent Taxables (as he alledged) are good and Substantial and had paid their whole taxes to him the Said Sherife before his Offering the said account to the Court as by his Receipts in the hands of the Persons may be made appear.

Which being thought an Aggrievance by this Committee is offered to the house for their Consideration thereof.

Signed p Order Phi Hammond Cl Com

By the Committee of Aggrievances.

April 13th 1720.

It being Offered to this Committee as an aggrievance that John Rider and Major Henry Ennalls haveing been Commanded over to Annapolis to Answer the Complaint of Moses Lecompt there Exhibited Against them pressed men to fferry them over to Annapolis Aforesaid and being returned laid an account of their Itinerant and other Charges before the Gent Justices of Dorchester County and Craved an Allowance thereof, Upon which it was allowed the said Ennalls and Rider by the said Justices and Taxed on the Inhabitants of the said County.

Which being thought an Aggrievance by this Committee is humbly Offered to the house for their Consideration thereon

Signed p Order Phi: Hammond Cl: Com

The House Adjournes till to morrow morning Eight a Clock.

Thursday April 14th 1720

The House meet According to Adjournment

Yesterday's proceedings are Read.

L. H. J. The house on reading the Report of the Committee of Aggrievances relateing to James Vanbiber the Sherife of Cecill County order the Same to be thus Endorst Viz:

By the Lower House of Assembly
April the 14th 1720.

p. 37 This house concurrs with the within Report and referr the same as Such to the Consideration of his Excellency the Governour and Councill for redress.

Signed p Ordr M: Jenifer Cl: Lo: Ho:

And Sent to his Excy by Coll° Herman and Mr Dare.

They return and Say they Delivered it

As to the Report relateing to the Justices of Dorchester County,

The Question was put whether the same shall be received or not.

Carried in the Negative by the Majority of Votes.

On reading Yesterday's Message relateing to Coll° Addison and Coll° Addison's letter to his Excellency

The Question was put whether the petition of Mark Brown against the Land Commissioners shall be referred or not.

Carried in the Affirmative by the Majority of Votes and Ordered the following Message be prepared Viz:

By the Lower house of Assembly
April the 14th 1720

May it please your Excy and Honours

This house haveing before Resolved on a Referrence of the petition against Coll° Addison and the other Land Commissioners of Prince Georges County, according to the usuall and Deliberate Practice thereof as well as other petitions of the Same nature wherein diverse members of this House are Interested so that the parties Complaining not Expecting any Determination of this affair this Sessions cannot be presumed to be prepared to make good the Severall allegations in the Said petition and Consequently might be Surprized Should we assent to a Determination as prayed for which reasons We are Sorry we Cannot come into the Measures proposed by his Excellency and your Honours

Signed p Order M: Jenifer Cl: Lo: Ho:

And Sent to the Upper house by Mr Tyler and Mr Lee

They return and say they delivered it.

Bill Reviveing the act Ascertaining the Gauge and Tare of Tobacco hogsheads read with the Amendments and past for Engrossing and sent to the Committee of Laws to be Engrost. L. H. J.

Resolved that the Clerk of this house be Obliged to make out no other Journalls than according to the agreement of this house made with their Clerk the Second day of August 1716. p. 38

Coll° Holland and Six more from the Upper House delivers M^r^ Speaker the following Message Viz:

By the Upper House of Assembly.

April the 14^th^ 1720.

Gentlemen.

So farr as your Message by M^r^ Tyler and M^r^ Lee relates to the redressing any Generall aggrievance or to the hearing the Complaints of particular persons that have not a right to Another Kind of Judicature we Intend not to Interfere with the proposalls of your house but so far as the Subject matter thereof relates to the Conduct of a member of this house in the Execution of a Commission from the Government It seems to be the more Rightfull Province of his Excellency and this house to consider thereof But least there Should be any Misapprehensions betwixt the two houses on this Occasion and for the Preservation of a Mutual respect and good agreement betwixt them we propose that you joyne Some Members of your house that are not Interested in the affair to conferr with Philemon Lloyd Esq Coll: Matthew Tilghman Ward and Thomas Bordley Esq^r^ of this House in the Conference Chamber about the Subject matter toucht on by your above mentioned Message.

Signed p Ord^r^ Joh. Beale Cl: Up. Ho.

Which was Read and the Question being put whether the Conference be agreed to or not, Carried in the affirmative by Majority of Votes and thereupon M^r^ Philip Lee M^r^ Joseph Hill John Rousby Esq^r^ M^r^ George Dashiel M^r^ Lloyd and Coll° Herman are appointed to joyn in the Conference.

And Ordered the following Message be prepared Viz.

By the Lower House of Assembly
April the 14^th^ 1720

In Answer to your Message by Col° Holland and Six other Members of your Honourable house this house have agreed to the Conference therein proposed and therefore have appointed M^r^ Joseph Hill M^r^ Philip Lee John Rousby Esq^r^ M^r^ George Dashiel M^r^ James Lloyd and Coll° Herrman to join the Gent p. 39

L. H. J. of your house in that message mentioned who will be ready to attend in the Conference Chamber at three of the Clock in the afternoon.

And Sent to the Upper House by the Gent. Appointed and Eight others.

They return and Say they Delivered it.

Thomas Bordley Esq[r] from the upper house Delivers M[r] Speaker the Bill for the relief of Benj[a] Howard thus Endorst Viz:

By the Upper House of Assembly April the 14[th] 1720

Read the first and Second times by especial Order and will pass.

Signed p Order John Beale Cl: Up. Ho.

Which was read again and past for Engrossing

The house Adjourns till one a Clock in the afternoon.

Post Meridiem.

The house meet According to adjournment

On Reading the Report of the Comittee of Aggrievances Relateing to Col[o] Nathaniel Hynson and M[r] Richard Snowden, and hearing the allegations of both parties this house are of Opinion that the said Hynson has his proper Remedy at Law and therefore will not intermeddle therewith.

Bill to Confirm a Deed of Bargain and Sale from ffrancis Swanson to Thomas Plummer, Read the first and Second times by Especiall order and will pass, which was so Endorst.

Bill for Supplying Defects in the Conveying Lands from Henry Gibbs to Benjamine Laurence John Belt and Lucy his wife, heirs of Benjamine Laurence Deceased.

Read the first and Second times by especiall order and will pass which was so Endorst, and

An Engrost bill reviving An Act Ascertaining the Gauge and tare of Tobacco hogsheads &c[a] was read and ordered to be thus Endorst Viz.

p. 40 April the 14[th] 1720.

Read and Assented to by the Lower House of Assembly and

Signed p Ord[r] M: Jenifer Cl. Lo. Ho.

Which three bills aforementioned were Sent to the Upper house by M[r] Tyler and Col[o] Woollford.

They Return and Say they Delivered them.

Bill to Enable Benjamin Duvall to Sell Some Entailed Land and for Entailing other Lands in Lieu thereof read the first and Second times by especial Order and will pass which was so Endorst. And Sent to the Upper house by M^r^ Tyler and M^r^ Crabb. L. H. J.

They return and Say they Delivered it.

The house Adjourns till to morrow Morning Eight a Clock

ffriday April the 15^th^ 1720.

The house meet According to Adjournment

Yesterday's Proceedings are Read.

The Report of the Conferrees on the petition of Coll Thomas Addison and other Land Commissioners of Prince Georges County to be heard this Sessions on a petition against them Exhibited, read and Ordered to be entred as follows Viz.

At a Conferrence held in the Conferrence Room on the 14^th^ of April 1720 upon the Petition of Coll° Thomas Addison and other Gent Land Commissioners of Prince Georges County Moveing to be heard Upon a Complaint made against them by Mark Brown.

Present

The Hon^rable^ { Phil: Lloyd Esq^r^ / Col. Mat: T: Ward / Tho^s^ Bordley Esq^r^ } of the upper house.

The Hon̄ble { M^r^ Phil. Lee / M^r^ James Lloyd / M^r^ Joseph Hill / John Rousby Esq^r^ / Col Ep^m^ Herman / M^r^ Geo. Dashiell } of the Lower House.

Who make choice of Phil: Lloyd Esq^r^ for their Chairman and Accept of Phil: Hammond as Clerk and proceed as follows: p. 41

Upon the proposall by the Chairman that notice be Sent unto Mark Brown the Complainant to provide himself w^th^ such Evidence as he shall think Necessary and attend the present Generall Assembly to make out his Charge Against the said Coll Thomas Addison, and others the said Commissioners aforesaid, if such the said Brown's Evidences can be Procured during this Sessions, Otherwise it might Stand referred,

L. H. J. The Gent Conferrees of the Lower house haveing Duly Considered of the Above Proposition do Conceive that as this Sessions is likely very Speedily to Conclude and that Entering upon this affair would perhaps be a meanes to continue the Same a Considerable time longer, They think it more for the Interest of the Country to Continue their former Resolution of referring the Same to the next Sessions

Signed p Order Phil Hammond Clk. Conf.

With which this House Concurrs.

The petition of Mary Dorrington praying to be relieved against fine and Recovery in the Provincial Court was Read, and the Question being put whether the same shall be proceeded on or not

Carried in the Affirmative by the Majority of Votes and thereupon Ordered a further hearing in the Afternoon.

Coll Holland from the upper house Delivers M^r^ Speaker Bill to Enable Benjamine Duvall to sell lands thus Endorst Viz.

By the Upper House of Assembly
April the 15^th^ 1720.

This Bill being twice read will pass.

Signed p Ord^r^ John Beale C^l^ Up: Ho:

Which was Read Again and past for Engrossing.

Col. Young from the Upper house delivers M^r^ Speaker Bill for Supplying defects in Conveying Lands from Gibbs to Laurance thus Endorst Viz.

By the Upper House of Assembly
April the 15^th^ 1720.

p. 42 This Bill being read will not pass for that it may Occasion future disputes and possibly require a Repeal next Sessions for want of it appearing that notice was given to the Heirs of Gibbs, who tis thought reasonable should have notice of this proceeding.

Signed p ord^r^ John Beale Cl: Up: Ho:

John Hall Esq^r^ from the Upper House Delivers M^r^ Speaker the following Message Viz.

By the Upper House of Assembly April the 15^th^ 1720

His Excellency takeing Notice that the members of your house that were Appointed to conferr with some of our Mem-

bers take upon them in the report from the Conferrees to make L. H. J.
so certain a judgment of the Duration of this Session, that they make it a foundation to Argue from Desires the Sense of your house thereon the Explanation thereof given by the Members of the Conferrence from our house, not being Intirely Satisfactory to him.

Signed p order John Beale Cl: Up: Ho:

The house adjourns till one a Clock in the afternoon.

Post Meridiem

The House meet according to adjournment.

The following message being prepared by the Committee of Law was ordered to be Entred as follows

By the Lower House of Assembly April the 15th 1720.

May it please your Honours.

Haveing Considered your Message of the 9th Instant wee have Inspected our late address, to their Lordships setting forth Sundry Vexatious Prosecutions against the Debtors of his Majesty in this Province and do conceive the same to be justly set forth, and are Surprized to find by the Commissioners of the Customs Letters to his Lordship the Severall hardships therein laid down should in stead of meeting with redress be rather Countenanced by the said Commissioners, and it is indeed more amazeing to us that his Excellency, our Governour's Conduct should be arraigned on account of Delaying the proceedings (in behalf of the Crown) by Maurice Birchfield Esqr, when to the certain knowledge of a member of this p. 43
house who hath had the Honour to be employed by the Commissioners of his Majestyes Customs in some affairs here as well as is the Opinion of this House that his Excellency hath been very Assiduous and Zealous in promoting and Expediting the Affairs of the Crown

Signed p Order M Jenifer Cl. Lo. Ho.

And Sent to the Upper House by Coll. Mackall Mr Lee Capt Jones Cap. Rider.

They return and Say they Delivered it.

Engrost Bill for relief of Benjamin Howard Read and ordered to be thus Endorst Viz.

April the 15th 1720.

Read and assented to by the Lower House of Assembly and

Signed p Ordr M. Jenifer Cl. Lo: Ho.

L. H. J. And Sent to the Upper House by Col. Maxwell and Edmondson

They return and say they Delivered it.

Col Addison from the Upper House Delivers M[r] Speaker the following Message Viz.

By his Excellency and the Upper House of Assembly
April the 15[th] 1720.

This House taking into Consideration your Message of the 13[th] Instant Relateing to the Land Office &c[a] are ready to concurr with your house in such reasonable Measures as you shall think fitt to recommend to us on that occasion but as to the Securityes required, we are Informed by M[r] Secretary Lloyd that he has already Entred into bonds with his Excellency in the Sume of Two Thousand pounds Sterling to the best of his Remembrance for the preservation and faithfull discharge of it

Signed ꝑ order John Beale Cl: Up: Ho

Bill for Supplying Defects in a Conveyance of Lands from Gibbs to Laurence and Belt ordered to be thus Endorst Viz.

By the Lower House of Assembly.
April the 15[th] 1720.

May it please your Honours.

p. 44 This house being well Satisfied with the justice in passing the within Bill Especially considering the Deed therein mentioned herewith sent only for the better Secureing and releasing to the parties in whose favour the Bill is Intended to pass the Right of the Land therein mentioned which was before Mortgaged to their ffather without any prejudice to the heirs of the said Edward Gibbs whom this house is Informed is gone beyond the Seas, so that tis morally Impossible to give him notice of Exhibiting the petition or the intent of Passing this Bill, wherefore we pray that the Bill may pass as it now stands

Signed ꝑ ord[r] M Jenifer Cl: Lo: Ho

And sent to the Upper House by M[r] Caldwell and Cap[t] Jones.

They return and say they Delivered it.

Col Holland and three others from the Upper house Delivers M[r] Speaker the following Message with his Excellencys

Instructions from the Lord Baltemore and Guilford which L. H. J.
were read and ordered to be Entered as follows Viz.

By the upper house of Assembly

April the 15th 1720.

His Excellency communicates to you his Lordships late Instructions herewith sent and desires the sense of your house of the third fourth and fifth Articles thereof, Desireing you after you have taken the Copy of the said Instructions for your perusall that you will Immediately return the Orriginall and that if your house requires any Explanation of Any part thereof, Mr Speaker and Such members as he thinks fitt may attend his Excellency in the Conferrence Chamber in order thereto.

Signed p order Jo Beale Cl: Up: Ho:

Orders and Instructions to be Observed and pursued by John Hart Esqr our Lieutenant Governour of the Province of Maryland and in his Absence by the first person of our Councill for the time being.

Given by us at London this 23rd day of March Anno Domini 1718.

1. With these Instructions you will receive our Lycence al- p. 45
lowing you the said John Hart to come unto England for Twelve months, and appointing the person first named of our Councill During your Absence or your Death to take upon him the Administration of the Government, His Majestys permission and approbation thereof haveing been first obtained in Councill March 19: 1718, which with our Lycence and these our Instructions, before Your Departure out of the Province, you shall make known and Publish to the members of our Councell Solemnly called together.

2. You shall before you leave the Province, which you are to do, if possible Some time within the Space of Three months after the receipt hereof Appoint Edward Lloyd Esquire the Second person named of our Councill Keeper of the Great Seale of the Province, Giving him a Commission for the holding and Executing the said office, with all the Emoluments thereunto belonging dureing our pleasure, And in case of his Death or absence out of the Province or upon his refusall to accept the same, then you shall Appoint the third person of our Councill actually residing within the province to Execute the said office as aforesaid, and upon his Absence the Senior of our said Councill for the time being.

3. Whereas by Act of Assembly made in the Second year of our Dominion Entituled an Act Ascertaining the Gauge

L. H. J. and Tare of Tobacco hh^{ds} &c^{a} there is to be raised to the Lord Proprietary for the Support of Government fifteen pence ꝑ hh^{d} for every hh^{d} exported, and whereof Twelve pence ꝑ hh^{d} is to be applyed towards the maintaining the Station And Dignity of his Lordships Lieutenant Governour, Actually Inhabiting and residing within the Province, and to such other uses As his Lordship should adjudge proper, and in Case of the Death or removall of such Lieutenant Governour from his Government, the one halfe of the said Twelve pence applyed to the Support of Government aforesaid that shall arise in such Vacancy shall be applyed to the Maintainance and Support of such Persons of his Lordships Councill as his Lordship
p. 46 by his Instructions to his Lieutenant Governour or otherwise Shall appoint to preside and to such other Uses as his Lordship thinks meet, & the other half of the said Twelve pence Towards the Building An House for his Lordships Lieutenant Governour to Live in as by the said Act is at Large set forth, our Will now is that Dureing the Absence of the said John Hart our Lieutenant Governour, the said Twelve pence ariseing as Aforesaid, for the Support of our Government shall be Applyed in the Same manner and to the same Uses as by the said Act is provided in case of the Death or actuall Removall of our Lieutenant Governour

4. And whereas by Act of Assembly three pence ꝑ hh^{d} is given you the said John Hart, so long as you shall Continue Governour in and over the said Province and no Longer, you may if you are Desirous thereof, Endeavour to prevail with the Assembly to Continue the said Duty of three pence ꝑ hh^{d} to be Applyed to your own use dureing your Absence out of the Province untill such time as We shall think fit to Superseede your Commission, Provided you bring such Act so made Over with you for our Assent or Dissent thereto if it Can be Conveniently Enacted before your Departure.

5. You shall Recommend to the Assembly that we think it Convenient and necessary that the Duty of three pence ꝑ Tonn upon the Burthen of Ships, and Vessells Trading into the Province which by Act of Assembly has been Usually paid unto the Governours for the time being be Continued and applyed to the better Support and Dignity of such persons of our Councill who we entrust with the Administration dureing the absence or on the Death or removall of our Lieutenant Governour for the time being.

6. You shall either by Proclamation or otherwise Prorogue the Assembly to Some day in the Month of April which shall be in the year of our Lord One thousand Seven hundred and Twenty

And Lastly we Strictly Command and require you the Said John Hart, and all other our Officers and Ministers, within our Said Province of Maryland to be Assisting to his Majesty's Officers of the Customs as by Law you are required to do, and not in the least to Obstruct his Majesty's Service under the Management of the Commissioners of the Customs, as by their Letter a Copy whereof we have herewith Sent is Complained of. L. H. J. p. 47

Baltemore
Guilford

Bill Empowering Commissioners to sell the Estates of Thomas Smithson of Talbot County and Thomas Smithson of Dorchester County &c.

Read the first and second times, by Especiall Order and will Pass which was so Endorst and Sent to the Upper house by Coll° Woollford and M^r^ Lloyd.

They Return and Say they Delivered it.

M^r^ Lowe from the Upper house delivers M^r^ Speaker the Bill Confirming a Deed from Gibbs to Laurence and Belt thus Endorst Viz.

By the Upper house of Assembly
April the 15^th^ 1720.

On a Second Reading of the within bill and Inspection had in the Mortgage made by the within Edward Gibbs and the Endorsment of the release made by Henry Gibbs his heir at Law, this Bill will pass.

Signed p Order John Beale Cl: Up: ho:

Which was read and past for Engrossing

Bill for the relief of John Deavor read the first and Second times by Especial Order and will pass which was so Endorst and Sent to the upper house by Coll° Maxwell and Maj^r^ Colegate.

They return and Say they Delivered it

Esq^r^ Hall from the Upper house Delivers M^r^ Speaker the Bill for Relief of John Deavor thus Endorst Viz:

By the Upper House of Assembly
April the 15^th^ 1720.

Read the first and second times and will Pass. p. 48

Signed p Ord^r^ John Beale Cl: Up: ho:

L. H. J. Which was Read again and Past for Engrossing.

The Petition of Mary Dorrington read and the Question being put whether A Bill shall be brought in or not, Carried in the Affirmative by the Majority of Votes.

Thereupon leave is given to bring in a Bill as prayed.

The house Adjourns till to Morrow Eight a Clock.

Saturday Morning April the 16th 1720

The House meet According to Adjournment.

Yesterday's Proceedings are Read.

Coll° Ward, from the Upper house Delivers Mr Speaker the Bill for Confirming William Bozmans Will thus Endorst Viz.

By the Upper house of Assembly
April the 15th 1720

Read the first and Second times and will pass.

Signed p Order John Beale Cl. Up: ho:

Which was Read again and Past for Engrossing

In reading the fourth Instruction mentioned in Yesterday's message from the Upper house, The Question was if a Vote shall be put whether his Excellency the Governour has a right to the three pence p hhd therein mentioned, untill he shall be Actually Superseeded or not.

Resolved he has not, by the Majority of Votes.

Mr Bordley from the Upper house Delivers Mr Speaker the Bill for relief of Thomas Plummer thus Endorst Viz.

By the Upper House of Assembly
Aprill the 16th 1720

This Bill will not pass for want of A Clause to be added
p. 49 Saveing to the Lord Proprietary his heirs and Successors and all Bodyes Politick and Corporate, and all others not mentioned in the within Bill their Severall and Respective Rights Especially Considering that a Minor of Mr John Gerrard Deceased is alledged to be Interested in the within Land.

Signed p Order John Beale Cl: Up: Ho:

Mr Bordley from the Upper House Delivers Mr Speaker the Bill Empowering Commissioners or Trustees to sell the

Lands and Estate of Coll° Smithson and Thomas Smithson L. H. J.
thus Endorst Viz.

By the Upper House of Assembly.
April the 16th 1720.

Upon reading and Considering the within bill we find that you have Reserved a Right of Redemption to the heirs only and have Excluded the severall Devisees, whereas we are of Opinion that the Devisees ought to have the pre-emption of their respective Estates, and it being represented to us that Mary Wrightson Widow one of the Devisees mentioned in the will of the within Thomas Smithson of Talbot County hath paid all the arrears of the Quit Rents due to the Lord Proprietary for Land Deviseed to her, we think it reasonable, that if that Land be sold, she should be again repaid so much Tobacco as she can make appear she has Disbursed on that Occasion the land being yet uncultivated, and no benefitt accruing to her by it, and we are Likewise of Opinion, that forasmuch as it appears, that it was the Principal Design of the within Thomas Smithson of Talbot County, that the Chief of his Lands and Personal Estate should remain to the Parish of S[t] Michaels in the said County and free Schools in this Province, We think that these Lands so deviseed ought not to be Exposed to sale if the other Land and the remaining part of the personall Estate should be found Sufficient to recompence the Damages, and we propose that Coll Richard Tilghman be appointed Commissioner in the Room of M[r] Dashiell, who lives remote from the Land.

Signed p Order. John Beale Cl: Up: Ho:

The Question was put whether a Bill shall be brought in to Continue the three pence p hh[d] to the Governour in his Absence.

Carried in the Affirmative by the Majority of Votes. p. 50

The Question was put whether it should be for Twelve months or untill he shall be Actually Superseeded which shall first happen or only for Twelve months.

Carried Nemine Contradicente that it shall Continue for twelve months or untill his Excellency shall be actually Superseeded which shall first happen.

The house adjourns till one a Clock in the Afternoon

Post Meridiem. The house meet according to adjournment.

L. H. J. Ordered that the following message be prepared Viz:

By the Lower house of Assembly

April 16th 1720

May it please your Honours

This House Takeing into Consideration the Third fourth and fifth Articles of his Lordships Instructions to his Excellency mentioned in the Message of yesterday by Coll Holland and three of the Members of your Honourable House are of Opinion that the Act mentioned in the third Article is Sufficiently Declaratory in it self as to the Application of the Twelve pence ꝑ hhd therein mentioned.

And to the fourth Article the Result of this House is that altho' we conceive the Governour is no Longer Entituled to the three pence ꝑ hhd by vertue of that Act than dureing his Residence here, yet in Consideration of his Excellencys good Administration this house agrees to bring in a Bill to Enable his Excellency to Enjoy the said Three pence ꝑr hhd in his Absence for the space of Twelve months or untill his Excellency shall be actually Superseeded which shall first happen.

And as to the fifth Article we are of Opinion that the Person Presiding in the absence of the Governour [is] duly Entitled to the Tonnage by that Act prescribed.

Signed ꝑ Order M. Jenifer Cl: Lo: ho:

p. 51 Which was sent, to the Upper house by Mr Lee and Seven others.

They return and say they Delivered it.

Engrost Bill for relief of John Deavor

Engrost Bill for Confirming the Last Will and Testament of William Bozman of Somerset County Deceased.

Engrost Bill Enabling Benjamin Duvall to sell Entailed Lands &c.

Engrost Bill for Confirming Conveyance of Lands from Gibbs to Laurence and Belt.

Read and Ordered to be thus Endorst Viz:

April the 16th 1720.

Read and Assented to by the Lower House of Assembly and Signed ꝑ Order. M. Jenifer Cl: Lo: Ho:

And sent to the Upper House by Mr Caldwell and Mr Smith.

They return and say they Delivered them.

Coll Young from the Upper House Delivers M^r^ Speaker the bill for relief of John Clements thus Endorst Viz: L. H. J.

By the Upper House of Assembly
April the 15^th^ 1720.

Upon reading the within bill and on full hearing of Severall Evidences that were wanting last Sessions This Bill will pass.
Signed p order. John Beale Cl: Up: Ho:

Which was Read and past for Engrosing.

Supplementary bill to the Act Entituled an Act for settling a Revenue on Her Majesty's present Governour read the first and second times by especial Order and will pass.

Which was so Endorst And sent to the Upper House by Coll. Mackall and five others

They return and say they Delivered it.

Bill for relief of Thomas Plummer Read with the Amendments and will pass, which was so Endorst And sent to the Upper House by M^r^ Caldwell and M^r^ Dent.

They Return and say they Delivered it.

The house adjourns till Monday Morning Eight a Clock. p. 52

Monday Morning April the 18^th^ 1720

The house meet according to Adjournment.

Saturday's proceedings are read.

M^r^ Hill from the Committee of Accounts Delivers M^r^ Speaker the Journall of that Committee.

Which was read and Ordered to be thus Endorst Viz:

April the 18^th^ 1720

Read and Assented to by the Lower House of Assembly and
Signed p Order M. Jenifer Cl: Lo: Ho:

And sent to the Upper House by the Gentlemen of That Committee.

They return and Say they Delivered it.

John Hall Esq^r^ from the Upper House Delivers M^r^ Speaker the following Message Viz:

By the Upper House of Assembly April the 18^th^ 1720.

Gent

His Excellency Desires this house to acquaint you that on Inspecting the Bond of Philemon Lloyd Esq^r^ Deputy Secretary he finds it is only for the payment of a Sume of Money,

L. H. J. without haveing any regard to the Due Execution of his Office And therefore recommend it to you to propose some proper Expedient in Relation to the Officers mentioned in your former Message.

Signed p Order. John Beale Cl: Up: Ho:

The house Adjourns till one a Clock in the afternoon.

Post Meridiem.

The house meet according to Adjournment

Engrost Bill for relief of John Clements Read and ordered to be thus Endorst Viz.

By the Lower House of Assembly
April the 18th 1720

Read and Assented to by the Lower House of Assembly and
Signed p order. M. Jenifer Cl: Lo. Ho:

And Sent to the Upper House by Mr Brannock and Mr Edmondson.

They return and Say they Delivered it.

p. 53 Bill to make voyd the Recovery on the Lands of William Dorrington Read the first and second times by especial Order and will pass, which was so Endorst and Sent to the Upper House by Mr Brannock and Mr Edmondson.

They return and Say they Delivered it.

Coll° Addison from the Upper House Delivers Mr Speaker the following message Viz:

By the Upper House of Assembly April the 18th 1720

It being Represented to this house that the Deputy Commissarys bonds usually taken for the due Execution of their Offices, have been taken in the name of the Commisary Generall himself and not in the name of his Majesty or his Lordship whereby such persons as are Injured by the Misfeazance of such Officers are under Difficulty's to come at those bonds the Attorney Generall giving this house a late Instance thereof in some bonds taken by John Contee Esqr late Commisary Generall whose Executrix has refused to deliver such bonds into the Commisarys Office or to Suffer them to be put in suit without giveing her Security for her Indemnification thereon, wherefore tis recommended that there be an Act or Clause of an Act Declaring all Bonds formerly taken in the name of the Commissary Generall may be Lawfully sued in his Lordships

name at the Instance of any person Aggrieved in the Same Manner and under like directions as the Sherif's bonds and other publick bonds are allowed to be, and that for the future all such bonds be taken payable to his Lordship in not less than Two hundred Pound Sterling penalty as usuall and Lodged in the Commisary Generalls office for the Benefit of those that shall have Cause to sue the same. L. H. J.

Signed p Order John Beale Cl: Up: Ho:

Ordered that Samuel Young Esq^{r} publick Treasurer of the western Shore pay unto his Excy the Governour the money allowed him in the journall of the Committee of Accounts this Sessions.

The Petition of William Thomas Complaining of the Land Commissioners of Kent County Read and referred till next Sessions and ordered all persons Concerned have notice thereof.

Bill Impowering Commissioners to Sell the Estates of Col^{o} Thomas Smithson of Talbot County and Thomas Smithson of Dorchester County.

Ordered to be thus Endorst Viz.

By the Lower House of Assembly April the 18th 1720

May it please your Honours.

This house are not willing to alter the Sale of the said Smithsons Lands but that they remain to be Sold Generally towards Satisffying the parties Injured by the Warranty therein mentioned their Severall Damages and Costs but are willing the Severall Devisees shall have the Liberty of redeeming their Respective Estates Devised them as well to the heirs, and as to the amendment in makeing the Widow Wrightson restitution for the rents she has paid and of adding Coll Tilghman in the stead of M^{r} Dashiel we agree with your Honours with which if your house Concurrs, The bill may be amended and will pass. p. 54

Signed p Order M: Jenifer Cl: Lo: Ho:

And sent to the Upper House by M^{r} Hill and Coll: Woollford.

They return and say they Delivered it.

The Petition of John Seager against the Land Commissioners of S^{t} Marys County, read and referred to next Sessions and Ordered the parties Concerned have notice to appear then.

The Petition of John Hall Esq^{r} read and referred till next Sessions.

L. H. J. Philemon Lloyd Esq[r] from the Upper house Delivers M[r] Speaker a Bill Impowering Commissioners to sell the Lands and personall Estates of two Smithsons with the following Message Viz.

By the Upper House of Assembly April the 18[th] 1720.

Gentlemen

The Amendment proposed to the Bill for Sale of Coll Smithsons of Talbot County and Thomas Smithson of Dorchester County Gent. Lands &ca. we think requires the Amendment we proposed for the preferring the Devises to Publick and Pious uses to those that are only to private persons Since we apprehend the Devisor lay not under any particular Obligation to the Private Devisees more than to the Publick, and in all Acts of more Generosity and good will, we think those for a Publick benefit ought to be preferred to any private one by how much a Generall good is preferable to any perticular one, with which amendment the bill will pass.

Signed p Order. John Beale Cl: Up: Ho.

Which was read and Ordered the bill be amended Accordingly.

The house Adjourns till to Morrow Morning Eight o'Clock

Tuesday Morning April the 19[th] 1720

The house met According to adjournment

Yesterday's Proceedings are Read.

p. 55 Esq[r] Hall with two others from the Upper House Delivers M[r] Speaker the following Message Viz.

By the Upper House of Assembly April 19[th] 1720.

Gent.

On peruseing the Supplementary Act, to the Act Entituled an Act for Settling a Revenue on her Majestys present Governour and your Message relateing thereto, His Excellency Expresses great Satisfaction at your Approbation of his Conduct in the Administration of this Government, and takes the proposed Act as an Evidence of your Esteem but seems to be of Opinion that since his Intended Speedy Departure will Clogg the Collection of that duty with some difficulties your good Intentions will be rendered more effectual in his favour, and less Chargeable to us if we made the money raised thereby in a Twelve Month payable to the Treasurers for the defraying the Publick Charge of this Province and in lieu thereof

should order the Treasurers to pay him what may be by a Moderate Computation Supposed to arise on the said Duty by the Tobacco that shall be Exported by the first day of November next. This proposall seems to be so agreeable to your Gratuitous Intentions, that we doubt not your concurrence therewith, and shall therefore only Desire you to make such Estimate as you shall think may answer the intent and advance the Publick Stock. L. H. J.

Signed p Order John Beale Cl: Up. Ho.

Coll Young and two others from the Upper House Delivers Mr Speaker the following message Viz.

By the Upper House of Assembly April the 19th 1720.

Gent

We are clearly of opinion with that of your house communicated to us by your Message of the 15th Instant and are equally surprised at the effect of our address as you are, but as the aggrievances Complained of by that address [are not] remedied but the Imposers of them rather Encouraged, by haveing their Conduct approved by the Honourable the Commissioners of the Customs, and by doing the agressors the pleasure of haveing the Impartial Conduct of our Governour as Judge in Chancery reproved, we think it is necessary to take that matter into further Consideration That as we have hitherto had no reliefe by that address we should now Endeavour to take proper Measures to render it Effectual to its first Intended Ends, since the occasion Still Continues. And as you find on Inspection that that Address justly Sets forth p. 56 those aggrievances which you find to be really such, we can't but apprehend, there may have been some defect in the Presentation or Solicitation of it. We therefore now propose that his Excellency's Intended Voyage for Great Britain be laid hold on as a most favourable Oppertunity for the more effectual Solicitation of this affair, if he shall be pleased to act therein, to prevent future Impositions of like nature and that you would joyn with us in addressing him to assist us on this Occasion as you shall find necessary for the good of this Province

Sign'd p Ordr John Beale Cl: Up: Ho:

Mr Lowe from the Upper House Delivers Mr Speaker the journal of the Committee of Accounts thus Endorst Viz:

April the 19th 1720.

Read and Assented to by the Upper House of Assembly and

Signed p Ordr John Beale Cl: Up. Ho.

L. H. J. Bill Impowering Trustees and Commissioners, to sell the Estates of Thomas Smithson of Talbot County &c Read with the Amendments and will pass which was so Endorst, and sent to the Upper house by Mr Hill and Coll. Woolford.

They return and Say they Delivered it

Ordered the following Message be prepared Viz:

By the Lower House of Assembly April the 19th 1720

May it please your Excy and Honours

Mr Speaker haveing Communicated to this House your Excys Letter of the 9th Instant we have Inspected our late address to their Lordships Touching the Sundry Vexatious Prosecutions against many Inhabitants of this Province as Debters or Supposed Drs to the Crown, and take the same to be set forth on Just reasons, but are Extreamly Surprized and Sorry to find that the Commissioners of his Majesty's Customs have not been pleased to take under their Considerations the Severall hardships complained of but contrariwise have rather justifyed the said Proceedings and Accused your Excy
p. 57 of retarding those affairs which we are clearly of opinion, your Excellency has in no wise Deserved, as may appear by the Entrys on the docketts of the Chancery Court For we are so well Sattisfied with your Excellency's Integrity and justice During your Administration as Chancellour that the most Invidious of your Enemys Cannot in anywise make out the least charge of Partiality or Corruption and are Sorry your Excy thro' any unjust misrepresentations against you to their Lordships should induce you to give up the seals tho' when we Consider the just reasons laid down in your Excellencys Speech in Councill on that Occasion, We Cannot but applaude your Excellencies prudence in giveing up your Interest to preserve your Integrity which we believe no power on Earth Can remove from you

Signed p Order M. Jenifer Cl: Lo: Ho.

And sent to the Upper House by Mr Lee Mr Walter Smith Esqr Rousby Capt Rider Mr Caldwell and Mr Dashiel

They return and say they Delivered it.

The following Message being prepared viz:

By the Lower House of Assembly April the 19th 1720.

May it please your Honours

In answer to your Message of the 15th Instant by John Hall Esqr This House conceives that the reasons of the Conferrees for referring the Subject Matter of the Conferrence

till next Sessions, were well grounded Especially considering L. H. J.
the Hon^ble^ Conferrees of your house were pleased to make the same judgment in relation to the short Duration of this Sessions, to which might be added the Ill consequences that might have attended such precipitate proceedings as well as the Probability of laying this House under a Deserved Censure

Signed p Ord^r^ M: Jenifer Cl: Lo: Ho:

Was sent to the Upper House by M^r^ Lee and five others.
They return and say they Delivered it.
Bill for giving further time to the Tradesmen in Annapolis to Improve their Lotts read the first and Second times by Especial Order and will pass
And Sent to the Upper house by M^r^ Garrett and M^r^ Tasker
They return and say they Delivered it

The House adjourns till one a Clock in the Afternoon. p. 58

Post Meridiem. The House meet according to adjournment.
Ordered the following Message be prepared Viz.

By the Lower House of Assembly April the 19^th^ 1720.
May it please your Honours
This house being Apprehensive that this Sessions is near a Conclusion and wanting some papers relateing to the Offices, are desirous that the further Consideration of our Message of the 13^th^ Instant by M^r^ Lloyd and M^r^ Smith concerning the Security to be given by the Secretary and other great Officers in this Province may be referred till next Sessions.

Signed p Ord^r^ M: Jenifer Cl: Lo: ho:

And sent to the Upper House by M^r^ Warfield and M^r^ Earle
They return and say they Delivered it.
Ordered the following Message be prepared Viz:

By the Lower House of Assembly April the 19^th^ 1720.
May it please your Honours
In answer to your Message of yesterday by Coll Addison, we wholly agree to the bringing in a Bill According to the proposall in that Message mentioned, but forasmuch as we hope this Session is near a Conclusion, we desire the Consideration thereof may be referred till the Debate Concerning the Greater Offices is Determined.

Signed p Ord^r^ M: Jenifer Cl: Lo: Ho.

L. H. J. And sent to the upper house by Mr Lloyd and Mr Tasker They return and say they delivered it.
The following Message being prepared Viz.

By the Lower house of Assembly April the 19th 1720

May it please your Honours

On Reading and considering your Message of this day by John Hall Esqr and two other members of your Honourable
p. 59 house on the Supplementary Act to the Act Settling a Revenue on his Majesty's Present Governour, we are heartily Sorry that we Cannot Come into the measures proposed by your house for Vesting his Excellency with the Monys according to that Message seeing we are uncertain how soon his Lordship may think fitt to Superseed his Excellency's Commission at what time by the Intendment of that Law and the Construction of the Lord Proprietor he can be no Longer Intituled to the Same, so that this House would be wanting in their Duty to His Lordship, as well as be Drawn into measures prejudiciall to the Interest of the Governour who shall be for time to come, appointed by his Lordship to preside over us, should we Immediately Vest the Governour with the money ariseing thereby.

Signed p Order M: Jenifer Cl: Lo: Ho:

Sent to the Upper House by Mr Tyler and five other Members of this House.

They return and say they Delivered it.

Coll Young from the Upper House delivers Mr Speaker the Bill Giving time to the Tradesmen of Annapolis to Improve their Lotts thus Endorst Viz: ·

Read and will pass.

Signed p Ordr Jno Beale Cl: Up: Ho:

The following Message was prepared Viz.

By the Lower House of Assembly April the 19th 1720.

May it please your Honours

In answer to your Message from your Houorble House by Coll Young and two other of your Members this house hath thought fitt to Express their hearty thanks to your Honours for Intimateing to us the Oppertunity we are now likely to have, upon the return of his Excellency to Great Britain by whose means we might be Enabled with greater Clearness to represent our late aggrievances to the Honourable the Commissioners of his Majesty's Customs, but inasmuch as we are Credibly Informed those debts then due to the Crown on

which the Actions arose are now sold to private persons, as well as the Consideration of the Death of Thomas Macnemara who was appointed to negotiate those Affairs under Maurice Birchfield Esq^{r}, we humbly Conceive the Cause of those Evils in a great measure removed, and are not therefore Inclined to make any further representation thereof, until such time the same measures are again put in use. L. H. J. p. 60

Signed p Order M: Jenifer Cl: Lo: Ho:

And sent to the Upper House by Coll^{o} Mackall and five more
They return and Say they Delivered it.

Engrost Bill Empowering Commissioners and Trustees to dispose of the Real and personall Estates of Thomas Smithson of Talbot County and Thomas Smithson of Dorchester County &c.

Read and ordered to be thus Endorst Viz:

April the 19th 1720.

Read and Assented to by the Lower House of Assembly, and
Signed p Ord^{r} M: Jenifer Cl: Lo: Ho:

And sent to the Upper House by Coll: Woolford and Cap^{t} Rider.

They return and say they Delivered it.

Esq^{r} Hall from the Upper House Delivers M^{r} Speaker the Bill for relief of William Dorrington's heirs thus Endorst Viz.

By the Upper House of Assembly, April the 19th 1720.

This bill will not pass, the parties praying the same being relieveable at Common Law

Signed p Ord^{r} John Beale Cl: Up: Ho:

The house adjourns till to morrow morning Eight a Clock

Wednesday April 20th 1720.

The House meet according to Adjournment

Yesterdays Proceedings are Read.

Esq^{r} Hall from the Upper house Delivers M^{r} Speaker the following message and the Engrost bill therein mentioned Viz.

By the Upper House of Assembly April the 20th 1720.

Gentlemen.

On Reading the Engrost Bill for Reviving and Continueing An Act Intituled an Act for Ascertaining the Gauge and Tare of Tobacco hogsheads &c: we have Examined and considered

L. H. J. the Act Intended to be revived by that bill, and find the bill proposed instead of reviving the Act as it now Stands alters the nature of its Continuance which was at first founded on an Instruction. We therefore propose as an Amendment to that bill that the time of its [continuance] be Limited in the
p. 61 same manner as it was in the Original Act, Viz. to Continue from the Twenty ninth day of September next untill the 29th Day of September which shall be in the year of our Lord God one thousand Seven hundred and Twenty one.

Signed p Ordr Joh Beale Cl: Up: Ho:

Whereupon the Bill is amended accordingly, and Ordered the following message be prepared Viz:

By the Lower House of Assembly April the 20th 1720.

May it please your Honours

This house concurrs with your Honours in the amending the Engrost bill for reviving and continuing the Act for ascertaining the Gauge and Tare of Tobacco hogsheads &c. herewith Sent and have made the alterations Accordingly.

Signed p Order. M. Jenifer Cl. Lo: Ho.

and Sent to the Upper House with that Bill by Mr James Lloyd and Mr Hill.

They return and Say they Delivered them.

Mr Lowe from the upper House Delivers Mr Speaker the bill for relief of Thomas Plummer thus Endorst Viz.

By the Upper House of Assembly April the 20th 1720.

The Orphans of John Gerrard who is a minor being concerned herein It is the Opinion of this house the Same ought to be referred till the next Sessions.

Sign'd p Order John Beale Cl: Up: Ho:

Which was Referred till next Sessions.

Engrost bill giveing further time to the Several Tradesmen in Annapolis to Improve their Lotts &c: was read, and ordered to be thus Endorst viz:

April the 20th 1720.

Read and Assented to by the Lower House of Assembly, And Signed p Order . M: Jenifer Cl: Lo: Ho:

and sent to the Upper House by Mr Hill and Mr Tasker.

They return and say they Delivered it.

The house adjourns till one a Clock in the Afternoon.

Post Meridiem. The house meet according to adjournment. L. H. J.
Bill for Laying the Publick Levy read the first and second Times by Especial order, and will pass, which was soe Endorst p. 62 and Sent to the Upper House by Mr Hill and Mr Earle.
They return and say they Delivered it.
Resolved that the Members and Officers of this House that are willing to take money for the Tobacco due to them for their Attendance and Service this Sessions, more then is already allowed them by the Committee of Accounts be allowed at the rate of Twelve Shillings and six pence Currt money p Cent for the Tobacco so due to them for their Attendance this Sessions more then allowed them by the Journall of the Committee of Accounts and ordered the following Message be prepared (Viz)

By the Lower House of Assembly April the 20th 1720.

May it please your Honours

This house having made a Resolve that the Severall Members and officers Attending on this house that are willing to take money for the Tobacco due to them for their Attendance and Service this Sessions more than is allowed by the Journall of the Committee of Accounts be allowed at the rate of Twelve Shillings and six pence Current money p hundred for the Tobacco so due to them Desire to know whether your Honours are Willing that the Severall Members and Officers of your house shall have the like Allowances, with which, if the house agree the Allowances may be now made Accordingly

And Sent to the upper house by the Gentl. of the Committee of Accounts
They return and say they Delivered it.
Coll Ward from the Upper House Delivers Mr Speaker the Bill for Laying the Publick Levy thus Endorst Viz.

By the Upper House of Assembly, April the 20th 1720

This Bill being read will pass Signed p Ordr
John Beale Cl: up: ho:

Which was read again and past for Engrossing. And Sent to the Committee of Laws to be Engrost.
Thomas Bordley Esqr from the Upper House Delivers Mr p. 63 Speaker this following Message Viz.

By the Upper House of Assembly April the 20. 1720.

Wee Concurr with your Message this day by Mr Hill and three other of the Members of your house, which proposes

L. H. J. the allowance of Twelve Shillings and Six pence p hundred for the Tobacco Allowances not yet made.

Signed p ord^{r} Joh Beale Cl: Up: House.

Coll. Holland from the Upper House Delivers M^{r} Speaker the foll^{o} Message Viz:

By the Upper House of Assembly April 20th 1720.

His Excellency and this house think proper to Communicate to you their proceedings relating to the Papists for your Concurrence which are Extracted from our Journall as follows.

By His Excellency the Governour with the Concurrence of the Upper and Lower Houses of Assembly now Sitting.

April the 12th 1720

Resolved That whereas the Papists have given out in Speeches that they have a right to some previledges w^{ch} they do not now enjoy, they or such of them as shall think fitt do Appear before his Excellency in the Upper House of Assembly at the Councill Chamber by Saturday the Sixteenth Instant, or any other Convenient time they Desire Dureing this Sessions to make appear what previledges of theirs are Infringed by the present Administration of Government, both houses haveing Concurred with his Excellency and promised to do them all the justice that their case requires, but that their failure herein will be taken as a Reliction of their Pretentions.

Of which Resolve severall Copyes are made and sent to Severall Sherifes in order to be Delivered to the said Eminent Papists Viz. Charles Carroll, James Carroll, Henry Darnall, William Diggs, John Diggs, Benjamin Hall, Clement Hill, Henry Darnall Jun^{r}, William Fitz Redmond, Henry Wharton, Charles Diggs, Peter Attwood a Priest, Maj^{r} Nicholas Sewell, and M^{r} Richard Bennett.

p. 64 April the 15th 1720.

M^{r} Richard Keen Deputy Sherife of Prince Georges County makes the following return Viz.

April 15th 1720.

I Humbly Certifie that in Obedience to the Commands of your Excellency John Hart Esq^{r} Governour of Maryland and the Upper and Lower Houses of Assembly now Sitting I have

Delivered Duplicates of what is contained in a paper giveing L. H. J.
notice to all papists to appear at a certain time in Said Paper
Mentioned to make appear what right or previledges of theirs
(as they have given out in Speech) are Infringed by the
present Administration of Government to Henry Darnall,
William Diggs, John Diggs, Benjamin Hall and Clement Hill
of Prince Georges County Gentlemen, and that I Left one
other copy of the same Paper for M^r^ Peter Attwood at the
house of M^r^ Benjaman Hall where the said Peter (as I have
been told) was Expected to be in a day or two and I further
Certifie that being Informed yesterday that M^r^ Charles Diggs
was at M^r^ William Diggs', I sent one other Copy of said Paper
(this morning) to the said William Diggs in order to be
delivered to the said Charles Diggs So Answers

Rich^d^ Keen Dep^ty^ Sherr.

April the 16^th^ 1720.

His Excellency observes to this House that the Principall Papists had notice given them as appeares by the return of the Deputy Sherife of Prince Georges County, by Giveing and leaving Coppys of the Resolve of this house for their Appearance here this Day, Therefore his Excellency proposes whether a List of their names should not be given the Doorkeeper to Inquire whether they are in Town Attending to be heard, which this house Concurrs w^th^, and it is ordered that a List of the names of the said Persons be made and Delivered the Doorkeeper in order to Inquire whether they are in Town Attending. The List of the said Persons names are made and Delivered the Doorkeeper accordingly, which Names are as follows Viz. Henry Darnall, William Diggs, John Diggs, Benjaman Hall, Clement Hill, Peter Attwood, Charles Diggs.

The Sherife of Ann Arundell County makes the following return Viz.

April the 19^th^ 1720.

I Humbly Certifie that in Obedience to the Commands of
His Excy John Hart Esq^r^ Governour of Maryland and the p. 65
upper and Lower Houses of Assembly sitting I have Delivered
Coppys of what is Contained in a paper giving notice to all
Papists to appear at a Certain time in said Paper Mentioned
to make appear what right or previledges of theirs (as they
have given out in Speeches) are Infringed by the present Administration of Government To Charles Carroll, James Carroll, Richard Bennett and William Fitz Redman Gent^n^ Delivered with my own hands, and one for Henry Darnall Jun^r^

L. H. J. which I sent to my under Sherife and Verily believe was delivered. So Answers Stephen Warman Sherr.
of Ann Arundell County

The following Depositions ordered to be Entred which are as followeth Viz.

M^r^ Hugh Kenneday being sent for before this house, to give an Account of wh^t^ Papists were at his house on Friday night or Saturday morning last, upon his Oath to him administred Declares that on ffriday night Last M^r^ Henry Darnall Sen^r^ and M^r^ Charles Diggs Supt at his house and on the said Friday night he Saw M^r^ Benjaman Hall and M^r^ Clement Hill in the Towne and on Saturday morning M^r^ Charles Diggs was likewise at his House.

April the 19^th^ 1720

The Above Depositions sworne to before His Excellency in this House

Signed p Order John Beale Cl: Up: Ho.

Likewise M^rs^ Ann Hutton being sent for before this house to give An Account of what Papists were at her house on Friday night or Saturday Morning last upon her Oath to her Administred Declares that M^r^ Henry Darnall Sen^r^ and She believes M^r^ Charles Diggs was at her house on ffriday night last, and on Saturday Morning last was at her house a Gent that She took to be M^r^ W^m^ Diggs and on ffryday night M^r^ Darnall asked her for M^r^ Benjamin Hall who told him that there was a Gentleman up Staires with Esq^r^ Brooke, upon w^ch^ M^r^ Darnall said he believed that was M^r^ Hall.

April the 19^th^ 1720.

Sworne to before his Excellency in this house.

Signed p Order Joh Beale Cl: Up. Ho.

His Excellency and this House Observe on the foregoing proceedings That Although the most Eminent of the Papists
p 66 were in Town at the time appointed Them to make good their pretentions, yet they have not thought fitt to appear then or at any time Since to offer any thing in Vindication of their pretended Rights, and therefore take this their Demeanour as a Tacit Acknowledgment that their Pretentions are Groundless and their Exclamations most unreasonable.

Signed p order John Beale Clk: Up: Ho.

Which being read this house Concurrs therewith and ordered the following Message be prepared Viz. L. H. J.

By the Lower House of Assembly.
April the 20th 1720.

May it Please your Excellency and Honours

This House highly Applaud your Excellencys and your Honours proceedings relateing to the Papists as a meanes to Secure and Establish to the Protestants their just Rights against any future Claime of Right the Papists may pretend to in this Province (which they alledge are infringed) and Willingly Concurr wth your Excellency and Honours in the Wise and prudent measures taken and proceeded on in that affair, and therefore return our hearty thanks to your Excellency and Honours for the Same.

Signed p Order M: Jenifer Cl: Lo: Ho.

and Sent to the upper house by Mr Tyler and Dasheil

They returne and say they Deliver'd it.

Engrost Bill for Laying the Publick Levy Read and ordered to be thus Endorst Viz.

April the 20th 1720

Read and Assented to by the Lower house of assembly and
Signed p Order M: Jenifer Cl: Lo: Ho

And Sent to the upper house by Mr Larramore and Mr Dent

They return and Say they Delivered it.

Ordered Mr Lee and Capt Mariartee go to the upper house to Acquaint them that nothing of Publick Business remaines before this house unfinished.

They return and Say they Delivered their Message

Coll° Young with three others from the upper house Delivers Mr Speaker the following Message Viz.

By the upper house of Assembly

April the 20th 1720. p. 67

Gent. Wee are glad wee have proposed the Meanes by which you Allow we Might be Enabled to represent with great Clearness the Aggrievances treated of in your Message of the 19th Instant by Coll Mackall and five others, but are obliged by the Tyes of Duty to our Country and for the Sake of preserving a Concurrence of Sentiments with you to acquaint you with our Objections to your reasons for Declining

L. H. J. any further Representations of those aggrievances this Country has Already Suffered, till they may happen to be repeated, we find by the Letter of the honourable the Commissioners of Trade to their Lordships that we have Laboured under the Censure of partiality in Accounting the proceedings of Maurice Birchfield Esq^{r} grievous to the Country when the Commissioners (as is Declared by their Letter) have Examined into his Conduct and doe not find he has done any more than his Duty. But forasmuch as we have reason to believe that the Conclusion of the Honourable Commissioners afore said proceeds from the want of a Clear representation of that affair being laid before them, we therefore the more Earnestly press your Concurrence with us in a matter of So great Importance to the welfare of the Inhabitants of this Province, being of Opinion that tis much Easier and better to prevent an aggrievance than to be put to the necessity of Seeking redress after we have Suffered it.

We Cannot Conceive that the Debts being Sold on M^{r} Macnemara's Death Can be any Security against the like Aggrieveances for the future, because undoubtedly those persons who have purchased those Debts (if any such there be) will be very Vigilant for the Recovery of them, & we have too much reason to fear they may readily be Supplyed wth some person to prosecute them whose Principles and Practices may be as pernicious as M^{r} Macnemara's.

We take this Matter to be yet of more Concern to this Province since his Excellency the Governour our then Chancellour, Seems Charged by the said Commissioners with Obstructing his Majestyes Service in these Matters He Acted no otherwise in Relation thereto than as Judge in Chancery, and we must Account it a Most fatal Enemy to Impartial Justice if the Consciences of our Judges should be Influenced
p. 68 by any power to a Conformity with any Interest whatever the Consequences Deserve yo^{r} Consideracõn.

Signed p Ord^{r} John Beale Cl: up: Ho

The Consideration thereof is referred, till to Morrow Morning.

The Question was put whether the former Message on the fifth Article of his Lordships Instructions shall be altered or not

Carried in the negative by the Majority of Votes.

The House Adjourns till to Morrow Morning Eight a clock

Thursday Morning April the 21st 1720 L. H. J.

The House Meet According to Adjournment.

Yesterdays proceedings are Read.

Thomas Bordley Esqr from the upper house Delivers Mr Speaker the foll° Message

By the Upper house of Assembly April the 21st 1720.

Gent. The cause of your Sorrow Exprest in your Message of the 19th Instant by Mr Tyler and five others Seems to be attended with one happy Circumstance (to witt) that it is in your owne power to remove it but whether you Agree with us in that opinion or not we desire you to reflect on and more Maturely Consider the Reasons you offer in the Latter part of that Message and to regard them in their Consequence and to recollect some former resolutions of your house that we may be favoured with your farther Sentiments on that Matter.

Signed p ordr Joh Beale Cl. Up. Ho.

On Debateing yesterday's Message,

The Question was put whether this house will Enter into any further Measures with the Upper House in makeing a further Representation of the aggrievances Complained of.

Carryed in the affirmative by the Majority of Votes, and that the Representation be made to the agent and ordered the following Message be prepared Viz.

By the Lower House of Assembly
April the 21st 1720.

May it please Your Honours

On Considering the Message of yesterday by Coll Young and three others of your Honourable Members this House is ready to Concurr with your Honours in makeing a further Representation of the Aggrievances Complained of to our Agent whose duty we take it to be to Represent things of that nature, and Desire that the Gent that are to be appointed on that Occasion may proceed thereon Immediately. p. 69

Signed p Ordr M: Jenifer Cl. Lo: Ho.

And Sent to the upper house by Coll° Mackall and Seven others.

They return and say they Deliverd it.

L. H. J. Coll° Young and two others Delivers M^r^ Speaker his Excellencys Letter to the Lower House Viz.

By the Upper House of Assembly
April the 21^st^ 1720.

Gent.

His Excellency Desires to Communicate to you his Letter to this house which is as followeth.

Gentlemen:

I am Surprized at the reasons offered by the Lower House for not advanceing me the money on the 3^d^ ꝑ hh^d^. I must acquaint you I am well Informed their Lordships Cannot Superseed my Commission, without the Approbation of the Crowne, now his Majesty has not yet Signified his Pleasure any otherways than by his Lycence that I might return for Twelve months for the Recovery of my health, and has made no provision but in Case of my absence which is Left at Discresion.

It is true M^r^ Rozer a profest papist has declared he has done my business, which is the only Notice I have of my being Superceeded, Now I hope the Commission of a Governour of Maryland, does not depend on that Malicious and Insignificant man. If it does the Lord have Mercy on you. The Lower House have acted very Cautiously as to Saveing their money but I shall leave it to time to reveal the Consequence of such Parsimony, though I can't help saying I thought I had Deserved at least so much of Maryland that their Representatives might have done me a favour which I am ꝑswaded no private friend would have refused me on less Obligations. I shall
p. 70 Conclude w^th^ this remark, that as their Lordships had made no Provision for my Support at my return but the 3^d^ ꝑ hhd I Could not have thought the Lower house would have frustrated his Lordship's Intentions when my Request was no damage to the Country

J Hart

Signed ꝑ Ord^r^ Joh Beale Cl Up Ho.

Esq^r^ Lloyd and M^r^ Bordley from the Upper House Delivers M^r^ Speaker the following Message Viz.

By the Upper house of Assembly
April the 21^st^ 1720.

In pursuance of your Message by Coll° Mackall and Seven others of this Instant wee have Appointed Phil Lloyd and Thomas Bordley Esq^rs^ of our house to Joyne with such of the

members of your house as you shall think fitt to proceed upon the address proposed. L. H. J.

Signed p Ord[r] Joh Beale Cl: Up: Ho.

Thereupon Coll John Mackall Coll Nathaniel Hynson Maj[r] Richard Colegate and M[r] Ralph Crabb, are appointed to joyne the Gent of the Upper house and ordered the following Message be prepared Viz.

By the Lower house of Assembly
April the 21[st] 1720

May it please your Honours.

Wee have Appointed Coll John Mackall Col Nathaniel Hynson Maj[r] Richard Colegate and M[r] Ralph Crabb to joyn the Members proposed by your Honours who are ready to attend.

Signed p Order M: Jenifer Cl: Lo: Ho.

And Sent to the Upper house by the Gentlemen appointed.

They return & Say they Delivered it.

Coll. Addison from the upper House Delivers M[r] Speaker the Supplementary Bill to the Act for Settling a Revenue on her Maj[tys] Present Governour thus Endorst Viz.

By the Upper house of Assembly p. 71

April the 21[st] 1720.

Read and will pass.

Signed p Order John Beale Cl: Up: Ho.

Which was read and past for Engrossing and Sent to the Committee of Laws to be Engrost.

The House Adjourns till one a Clock in the Afternoon

Post Meridiem. The house meet according to Adjournment.

The following Message being prepared Viz.

By the Lower House of Assembly April the 21[st] 1720.

May it please your Honours.

In Answer to the Observation your Honours have been pleased to make on that part of our answer to your Message of the 19[th] Instant wherein wee observe we Should be wanting in duty to his Lordship as well as be drawn into measures prejudiciall to the Interest of the Governour who may hereafter preside over us, our meaning as to that part was no other than whereas the three pence p hh[d] hath been for a Considerable time given to the Governours who have presided

L. H. J. over us, and Since to our present Governour dureing his Government in and over this Province, the Gentleman that Succeeds may (perhaps) very justly move us to bestow the same Allowance on him, which by the Measures proposed will be out of our power to Comply with and may very justly lay us under his Displeasure which we ought as we Conceive be very carefull to avoid and we Assure your Honours it was never our opinions that the Duty of three pence ꝑ hh^{d} is a profitt by right incident to the Station of a Governour, as we believe will appear by the Resolutions Entered on our journalls upon his Excellency's first Accession to this Government.

Signed ꝑ Order M. Jenifer Cl. Lo: Ho.

And Sent to the upper house by M^{r} Tasker and M^{r} Caldwell.

They return and say they Delivered it.

Engrost Supplementary Bill to the Act for Settling A Revenue on her Majestyes present Governour, read and Ordered to be thus Endorst Viz.

April the 21st 1720.

Read and Assented to by the Lower House of Assembly, and Signed ꝑ order M: Jenifer Cl: Lo: Ho

p. 72 And Sent to the Upper House by M^{r} Tyler and Coll Herrman

They return and Say they Delivered it.

The house proceeds to Tax the fees on the following Bills viz:

	£ s. d.
On the Naturalization Bill To the Honble Speaker	2..10..—
To the Clerk on Ditto	1.. 5..—
On the Bill in favour of William and Mary Parish to The Speaker	3..—..—
To the Clerk.	1..10..—
On Ephraim Govers Bill to the Speaker	2..—..—
To the Clerk	1..—..—
On Thomas Hicks Bill to the Speaker	3..—..—
To the Clerk	1..10..—
On Benjamin Duvalls Bill to the Speaker	1..—..—
To the Clerk	—..10..—
On Benjamin Howards Bill To the Speaker	1..—..—
To the Clerk	—..10..—
On John Clements Bill to the Speaker	1..—..—
To the Clerk	—..10..—
On Laurence and Belts Bill to the Speaker	1..—..—
To the Clerk	—..10..—

Coll Young and two more from the upper house Deliver L. H. J.
M^r^ Speaker the following Message Viz.

By the Upper House of Assembly
April the 21^st^ 1720.

Gentlemen.

His Excy haveing Communicated to us their Lordships Speech lately received, it is herewith Communicated to you.

Signed p Order John Beale Cl up: ho:

Gentlemen of the Upper and Lower houses of Assembly.

Baltemore }
Guilford. } On Due Consideration of the Act of Assembly intituled an Act for Ascertaining the bounds of Lands within this Province We find it Absolutely Necessary to recommend p. 73
to you to Explain or reenact the said Law that whilst you are endeavouring to Secure and quiet men in their Possessions you do not so bind them down to the Determination of Commissioners to be appointed by Virtue of the Act as to make their Sentence finall without appeal (except Conditionally to his Majesty in Councill as by the said Act is Provided to whose sacred person every Man ought to be at Liberty to address themselves without our intermeddleing therewith, by Acts of Assembly) whereby in a manner you even shut up the Courts of Justice, which can never Correspond with the Liberty of a free people, or be Deemed Consonant to the Laws of Great Britain, the Standard by which we are all obliged to Govern our Councills, among the Severall Laws made at a Session of Assembly in May Last, we have thought fitt to Dissent to the Act Entituled An Act for relief of John Beale of Charles County Gent and Richard Beale a minor and do hereby Declare the same null void and of no effect, forasmuch as the Legislature of Great Britain never Interferes to Dispose of property without Consent of all parties leaving every mans right to be ruled by the knowne Laws of the Land.

And as we can never more certainly Demonstrate the reall Confidence we have in the good people of Maryland than by freely communicateing our Sentiments on the proceedings of you their Representatives, we now Signify that altho we have not yet Dissented to the late Act made for Limitation of Officers fees, yet we cannot in our Judgments approve thereof, well knowing that 'tis neither for our honour or the peoples Interest in the Dispatch of their business, that Publick Ministers should be deprived of those allowances which by the

L. H. J. Law they have Enjoyed and which ought not only to be Sufficient to pay them for their Labour but large Enough to Encourage Industry and Integrity in men of Ability to Administer the Affairs of the Government whether actually reside-ing within the Province or attending the person of your Lord and Proprietary where ever he is.

Gentlemen. The Ease we find in the Receipt of the Severall
p. 74 Duties on Tobacco Settled in lieu of your quit Rents and Alienation fines and the better to Enable us to Support our Government, whereby your are Protected together with the Great benefit and advantage the poorer and more numerous part of the Inhabitants of our Province Reap from thence in the non payment of their Rents as Reserved has induced us for the common good to Consent and recommend to you to pass a Law for the Continuance of the Act Entituled an Act ascertaining the Gauge and Tare of Tobacco hoghsheads &c to Commence and remain in force for three years to Come from the Expiration of the said Act whereby the aforesaid Duties arise and we cannot think you need to be put in mind to continue the Act for regulating of Ordinaries for the reasons among many others recited in the preamble thereof.

We are much Concerned Gentlemen that you our friends and Tenants his Majestys good Subjects can have no Expectation of Benefit from the duty of one penny ꝑ pound laid on Tobacco transported from plantation to plantacon, his Late Majesty King William of Glorious Memory haveing by Letters patents, under the great Seale of England Setled the same for ever on the College of Virginia, but do not doubt with your Assistance by our own power to Establish such a Fund for Encouragement of Learning in Maryland as not only to answer the very pious and worthy Design of Supporting the Free School already built at Annapolis but to make it so Effectually usefull that your owne Children there made Capable may reap the advantage of dischargeing the Severall Offices of Government both in Church and State to the Conversion of your neighbours and fellow Citizens from the Superstition of the Church of Rome and to the manifest good of us all in the Equall Distribution of Justice.

The house Adjourns till to morrow morning Eight of the Clock.

Friday Morning April the 22. 1720

The House meet according to Adjournment.

Yesterday's proceedings are Read.

Coll Ward and Mr Bordley from the Upper House deliver Mr Speaker, the following Message with his Excellency's Letter Viz. L. H. J. p. 75

By the upper house of Assembly

April the 22nd 1720.

Gentlemen.

We think our Selves obliged by Duty as well as it is our Inclination to Act according to the best of our Judgments for the Service of our Country, and in a particular manner for the preservation of the prerogative Lodged in our Lord Proprietary and his Representative, and tho your Construction of the Act Concerning the three pence p Tonn seems in favour of that part which belongs to us to Espouse so far as is Agreable to Right, yet the Convictions of our Reason are too Strong in this point to Disengage us from takeing on the Contrary Argument.

The Act makes three pence p Ton payable to the Governour for the time being, The present Governour Continues Governour by his Majestys approbation according to Act of Parliament till he be Superseeded Therefore while he Continues Governour he has right to all Dutys payable to the Governour for the time being of which this is one.

In Case of the present Governours Absence the Gentleman Appointed to Preside would Act as president of the Councill but not as Governour for the time being.

In Case of the present Governours Death before another is Commissionated the Gentleman Appointed to preside would Act as a Governour as Coll. Lloyd Did on the death of Governour Seymour in which case there was no person in being but Coll Lloyd, that could be said to be the Governour for the time being, but as you propose in this Case there would be a Governour for the time being that would not Enjoy the three pence p Ton, which as we take it would be a Contradiction to the express Letter of that Act.

We frankly Communicate to you the Reasons of our opinion and Should be glad to know the reason of yours that we might come to a Right Understanding in this matter, tho on the whole we must conclude that neither our opinions nor yours can alter the plain Signification of the Law it Self.

Signed p Order Joh. Beale Cl: Up: Ho

Mr Speaker. p. 76

As your answer to what I Desired you to Communicate to the house in Relation to the three pence p Ton to the Govern-

L. H. J. our was, that it is the Sense of your House, it is due to the person presiding in the absence of the Governour and accordingly have passed a Vote on it,

I must Observe to you that the house have not duly Considered that Law, and Also that this Law was Enacted when this Government was Immediately under the Crown and Still lyes before it for its Assent or dissent

Again I cannot take those to be friends either to the Lord Proprietarie or their Country who would leave his Lordships Inclination alone (tho Signified in an Instruction) to have the Sanction of a Law.

In a word I Insist upon it, the three pence p̄ Ton is due to me as Governour untill my Commission is Legally Superceeded and resolve to take all proper Methods to Maintain it.

April 21st 1720 Jo Hart

Col Mackall and the other Gent Appointed bring in the Report from the Gent appointed by both houses to make a further representation of the aggrievances against Maurice Birchfield Esqr, which was read and ordered to be Entred as follows viz:

By the Committee appointed to Address his Excellency

April the 21st 1720.

It seems necessary to this Committee that in furtherance of the Subject matter of their Said address, a Letter be writ by Mr Speaker to the Agent to desire him to Communicate to his Excellency such papers as he hath had transmitted to him in relation to that Matter and to desire him to Assist his Excellency therein, which is humbly Submitted to the house

Signed p̄ order Phil Hammond Cll. Com.

To His Excellency John Hart Esqr Governour of Maryland.

The Humble Address of the Upper and Lower Houses of Assembly

May it Please your Excellency.

p. 77 The great Regard your Excellency has Exprest for the wellfare of our Country in the Communicateing to us the Copy of the Letter from the Honble the Commissioners of Trade to the Right Honourable the Lord Guilford, as well as by the whole Course of your Administration emboldens us to make this our humble address to your Excy for your Assistance in the Subject Matter therein treated of by which it appears plainly to us, that tho we have had the most necessitous Cause

of Complaining of the rigorous and unjustifyable proceedings L. H. J.
of Maurice Birchfield Esq[r] and his Substitute here in his Majestys name, and by Colour of his Authority to the prejudice of his Subjects, yet for want of a Clear representation of our Case Injurious Oppressors Seem justified by the Opinion of the Honourable the Commissioners of the Customs, and the Innocent Sufferers loaded with the Imputation of makeing groundless Complaints and being Clamorous.

We have reason to be discouraged in all our future Applications if what we make on this occasion with your Excellency's kind Assistance, (which we Earnestly Implore) should now fail us. We must then Look on our selves under an unhappy necessity of Submitting to the Dictates of any of his Majestys Officers at home however they be Misinformed or deceived Concerning us or the States of our Cases. But we hope for better things and that if your Excellency will please to permit us to referr to our former Representation on this head and also to the papers relateing thereto in our Agent Coll Blackiston's hands, whose Assistance in this Case we Doubt not of, and also to the Abstracts from the Chancery Dockets under the hand of the proper Officer and the Great Seale of this Province you will have it in your power Sufficiently to evince the Justice of our Case to the Sattisfaction of all that Question our Candour in that representation.

By the Experience of your good inclinations towards us in other affairs we Doubt not but in this you will add to the many Obligations by which we are Bound ever to pray for your prosperity.

Thereupon the Question was put, whether the house will Concurr with that Report or not.

Carried in the negative by the Majority of Votes, and Or- p. 78
dered the following Message be prepared Viz.

By the Lower House of Assembly Aprill the 22[d] 1720

May it please Your Honours

This House on reading the Report from the Gent appointed to make a further Representation of the aggrievances Complained of against Maurice Birchfield Esq[r] Cannot Concurr therewith for that it is Contrary to the Votes of this house Yesterday past in relation thereto.

Signed p order M: Jenifer Cll: Lo Ho.

And sent to the upper house by Coll Mackall and five others.
They return and Say they Delivered it.

L. H. J. Thomas Bordley Esq^{r} from the upper House Delivers M^{r} Speaker the following Message Viz:

By the Upper House of Assembly
April 22^{d} 1720

Gentlemen.

It seems you have much Mistaken by your answer of the 19th Instant to our Message of the 15th your Answer seeming to relate to matters not touched on by but very forreigne to that Message and the Explanation his Excellency therein desired, not at all given which was that your house would Explain what their Conferrees did mean in the Report from their Conferrence, by Saying That this Sessions was likely very Speedily to Conclude, which his Excellency takes to be his prerogative to Determine, and therefore desires your further consideration of That matter

Signed p Order Joh Beale Cl. Up. ho:

Coll° Ward from the Upper house Delivers M^{r} Speaker the following Message viz.

By the Upper house of Assembly
April the 22^{d} 1720

Gentlemen.

We have observed the Governours Gardainer has been very
p. 79 Serviceable and Curious in the makeing Levelling and Rolling the Shell Walk before the Publick buildings for which the Country has never been Charged any thing tho he has been very Diligent and Laborious therein we therefore recommend it to you that he have some reasonable Allowance made him as a Recompence for such his Service.

Signed p Order Joh Beale Cll. Up. Ho.

Thereupon ordered the Committee for laying the Publick Levy allow the Gardner the sume of Six pounds Currant money.

John Hall Esq^{r} from the upper house Delivers M^{r} Speaker the following Message (with the Letter of Licence therein mencōned) Viz.

By the upper house of Assembly
April the 22^{d} 1720.

We have obtained his Excellency Leave to Communicate to you his Majestys Royall Lycence for him to be absent for

Twelve months for the Recovery of his health, which we have herewith Sent that you may not Labour under any Misapprehensions Concerning it. We Desire you to peruse and return it. L. H. J.

Signed ꝑ Order Joh. Beale Cl: Up. Ho.

The house Adjourns till one of the Clock in the afternoon

Post Meridiem.

The House meet According to Adjournment.

The Question was put, whether the former Vote on the three pence ꝑ Ton shall be reassumed or not.

Carried in the affirmative by the Majority of Votes.

This house on Reassuming their former Vote on the 3^{d} ꝑ Ton agree Nemine Contradicente that his Excellency the Governour has a right to the said three pence ꝑ Ton so long as he Shall continue Governour And ordered the following Message be prepared Viz.

By the Lower House of Assembly
April 22^{d} 1720

May it please your Honours

This house on reassumeing their former Vote on the Three pence ꝑ Ton agree Nemine Contradicente that his Excellency the Governour has a right to the said three pence ꝑ Ton so long as he shall Continue Governour, tho we Concurr with your Honours that neither your opinions nor ours can alter the Plain Signification of the Law itself. p. 80

Signed ꝑ ord^{r} M: Jenifer Cl. Lo: Ho

and sent to the upper house by M^{r} Garrett and three more.

They return and Say they Delivered it.

Col Ward from the upper house Delivers M^{r} Speaker the following Message Viz.

By the Upper House of Assembly
April 22^{d} 1720.

Gentlemen.

It is a great Concern to us that you seem to reject the address prepared, by the Conferrence appointed for that purpose which we are induced to believe would have been of great Service to our Country no man being fitter to Negotiate that Affair than his Excellency who undoubtedly is better In-

L. H. J. formed of those aggrievances, than we Can Suppose any other person to be but since you generally reject it, without Assigning any particular Cause with which (if reasonable) we might have agreed We shall Content ourselves with haveing Discharged our duty to our Country and leave it to you to Consider how far you have discharged yours.

Signed p Ord^{r} Joh Beale Cl up: Ho.

Philemon Lloyd from the upper house Delivers M^{r} Speaker the following Message Viz:

By the upper house of Assembly

April 22^{d} 1720.

Gentlemen.

We observe the Act for Regulateing Ordinaries &c Recommended to Continue by their Lordships Speech will expire in September next if not revived and Desire you will Consider if there are not other Acts under the Like Circumstances that ought to be revived.

Signed p Order John Beale Cl: Up: Ho.

John Hall Esq^{r} from the upper house Delivers M^{r} Speaker the following Message Viz:

p. 81 By the Upper house of Assembly

April 22^{d} 1720

Gentlemen.

We take it our duty to propose to your House that an address of both houses by way of Answer to their Lordships Speech be prepared and Desire your Concurrence.

Signed p Order Joh Beale Cl. Up: Ho:

Thereupon the Question was put whether this house shall joyn with the Upper house or not.

Carried in the Affirmative by the Majority of Votes and ordered the following Message be prepared Viz:

By the Lower House of Assembly April 22^{d} 1720.

May it please Your Honours

This House Concurs with your Honours proposalls mentioned in your Message of this day by Esq^{r} Hall in joining in an Address by way of answer to their Lordships Speech, and

therefore Desire that the Gent that are to be appointed of your house may be nominated that they may proceed thereon, and therefore have appointed Mr Philip Lee, Coll John Mackall Mr James Smith Coll Roger Woollford Majr Richard Colegate and Mr James Lloyd to joyn Immediately with such Members, as your Honours shall so nominate. L. H. J.

Signed p Order M: Jenifer Cl. Lo: Ho.

And sent to the upper house by the Gent appointed
They return and Say they Delivered it.
The following Message being prepared (Viz)

By the Lower House of Assembly

April 22. 1720

May it please Your Excellency

Mr Speaker haveing communicated to this house your Excellency's Letter of this Day have reassumed their former Vote on the three pence p Ton & have Resolved Nemine Contradicente that your Excellency has a good Right to the said three pence p Ton so long as you shall Continue Governour of this Province

Signed p Order M: Jenifer Cl Lo: Ho

And sent to his Excellency by Mr Tyler and three others p. 82
They return and say they Delivered it.
The following Message being prepared Viz:

By the Lower House of Assembly.

April 21st. 1720.

May it please your Honours

It has been the Opinion of this house hitherto from Generall Causes that this Sessions would not have Continued so long, Considering there was but Little Publick business then before us so that from thence we reasonably might (in favour of the parties petitioning) be willing to refer the further Consideration of that affair till next Sessions rather than Surprize them by so Speedy Determination which we take to be the reason, and cannot conceive that any Construction could be made of our pretending to the right of Determining the Duration of the Sessions, which was never Intended by us, for we allow his Excellency has the only prerogative under his Lordship to Determine the Same.

Signed p Ordr M: Jenifer Cl: Lo: Ho

L. H. J. Was sent to the upper house by M[r] Tasker & Cap[t] Rider They return and Say they Delivered it.

Philemon Lloyd and Thomas Bordley Esq[rs] from the upper house Deliver M[r] Speaker the following Messages Viz.

By the upper house of Assembly

April 22[d] 1720.

Gent.

We Concurr with your Message this day by M[r] Lee and five others of your house in joyning Phile: Lloyd and Thomas Bordley Esq[rs] members of our house with yours to prepare the address proposed.

Signed p Ord[r] Joh Beale Cl. Up. Ho

Mr. Speaker.

I Desire you will give my thanks to your house for their so unanimously doing me Justice in Relation to the 3[d] p Ton.

Jo: Hart.

The following Message being prepared Viz:

p. 83 By the Lower house of Assembly

April the 22[d] 1720.

May it please your Honours

We Return your Honours our hearty thanks for your favour in Obtaining his Excellency's leave to Communicate to us his Majestys Royall Lycence to him, which having perused we herewith return, being well Satisfied therewith.

Signed p ord[r] M. Jenifer Cl: Lo: Ho.

was Sent to the upper house (with the Letter of Licence) therein mentioned by M[r] James Smith and M[r] Caldwell.

They return and Say they Delivered them.

Bill Reviving an Act for Regulateing Ordinaries, read the first and Second times by Especiall order and will pass, which was so Endorst and sent to the upper house by M[r] Dent and M[r] Wailes.

They return and Say they Delivered it.

Coll Ward from the upper house Delivers M[r] Speaker the Bill for regulateing Ordinaries thus Endorst Viz.

By the upper house of Assembly.

April the 22[d] 1720.

This Bill being twice read will pass.

Signed p Order. Jn° Beale Cl: Up: Ho.

Which was read again and past for Engrossing and Sent to the Committee of Laws to be Engrost. L. H. J.

An Engrost Bill for reviving an act for Regulateing Ordinaries Read and ordered to be thus Endorst viz:

April 22d 1720.

Read and Assented to by the Lower House of Assembly, and Signed p order M: Jenifer Cl. Lo: Ho

And Sent to the Upper House by Mr Dashiel and Capt Rider.

They return and Say they Delivered it.

Philemon Lloyd Esqr from the upper house Delivers Mr Speaker the following Message Viz.

By the Upper House of Assembly.

Ajril 22d 1720.

Gent.

We Referr it to your Consideration, to make the Chancellor what Allowance you think may be Suitable for a Coppy of the Laws this Sessions to each County and for one to the Provincial Court as usuall. p. 84

Signed p order Joh. Beale Cl: up: Ho.

In answer whereto the following Message was prepared Viz.

By the Lower House of Assembly April 22d 1720.

May it please your Honours

Both Houses of Assembly haveing agreed that John Peter Zenger should print the Laws of Each Sessions for the Severall Countys and Provinciall Courts &c we Apprehend it would be too great a burthen to the Country to pay both the Chancellor and Printer for them.

Signed p order. M: Jenifer Cll: Lo: Ho.

Coll. Holland and two others from the Upper House Deliver Mr Speaker the following Message viz.

By the upper house of Assembly.

April the 22d 1720

Gentlemen.

On his Excellency's proposall we have agreed to address his Majesty and Desire your house to joyn with us in prepareing the same.

Signed p Order John Beale Cl: Up: Ho

L. H. J. In answer whereto the following Message was prepared, Viz.

By the Lower house of Assembly

April the 22^{d} 1720.

May it please your Honours

We are not a little Surprized at his Excellency's Proposall and your Honours Concurrence in Proposing to this house an Address to his Sacred Majesty at a juncture of time when we might Reasonably have Expected to have returned to our familys in order to Consult their Wellfare haveing been Long Detained here, without being Able to do any great Service to our Country and many of our members sick and absent, and as we Enjoy what we may or Can reasonably Desire and haveing frequently set forth our great Sattisfaction under the protection of the best of Kings and haveing nothing to ask of his Majesty as we can perceive at this time we desire to be excused.

Signed p order M: Jenifer Cll: Lo: Ho.

And sent to the Upper House by M^{r} Lee and five others.

They return and say they Delivered it.

p. 85 The following Address being prepared was ordered to be Entred as follows Viz.

To the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c and to The Right Honourable Francis Lord Guilford.

The Humble Address of your Lordships upper and Lower Houses of Assembly of Maryland.

May it please your Lordships.

We take ourselves to lye under the Deepest Sense of Gratitude for your Lordships most Acceptable Speech Transmitted to us, this Sessions, which we shall duly Regard.

Your Lordships reasons for regulation of the Act Entituled an Act Ascertaining the Bounds of Lands are too agreeable to the Experience we have had of that Law to fail of a perfect Conviction of the Necessity of it, But the Law is of so great Importance that it requires the most mature Deliberation to Concert the proper Alterations and therefore we begg leave to Deferr such Amendments till the next Sessions, when we doubt not all due regard will be paid to your Lordships favourable Intimations.

We think our selves obliged as near as may be to follow the Example of Great Britain in all our Parliamentary Proceedings, and Acknowledge your Lordships great favour in apprizing us with the practice thereof in respect to private Acts, but with all Deference to that happy Constitution and Submission to your Lordships Observations thereon, we are forced to acknowledge that the Infancy of our Country does not yet admit of such An Extensive Administration in the Ordinary Courts of Justice here but that in some particular and extraordinary Cases the Assistance of the Legislature may be Absolutely necessary to Supply the Defects thereof. L. H. J.

We shall alwayes have a due regard to your Lordships Sentiments Relateing to the Act for Officers fees being fully Sattisfied of the necessity of supporting Officers agreeable to their Severall Stations, but shall begg your Lordships to permit us to Deferr that Consideration Likewise to another Sessions.

An Engrost Bill for Reviving the Act ascertaining the Gauge and Tare of Tobacco hh^ds^ untill the twenty ninth day of September Seventeen hundred and twenty one had past both Houses of Assembly before the receipt of your Lordships' Speech, which we hope will be accepted as a Compliance with your Lordships Commands in Respect to that Law till a further Opportunity and the Act for Regulateing Ordinaries is likewise revived for the same time. p. 86

We most humbly acknowledge the tender Regard your Lordships Express for the Encouragement of Learning here, and have great reason to be Concerned that your Lordships favourable Endeavours for the Application of the Duty on Tobacco, Exported from Plantation to Plantation are not Likely to prove so Effectuall as is wisht, for the Propagation of Schools in this Province, and we shall with great Alacrity embrace any oppertunity that your Lordships shall favourably offer to so good and pious an End.

And we most Unanimously offer to your Lordships our joint and most Sincere Acknowledgement for the repeated favours bestowed on us from time to time by your Lordship for whose Long and prosperous Lives, as in duty bound, we shall offer up our prayers to Divine Providence

We are &c.

Which address being first Signed by the members of the Upper House was also Signed by the Severall Members of this house.

Coll Holland from the Upper house Acquaints M^r^ Speaker that his Excellency Commands him and the whole House to attend him Immediately in the Upper House, and withdrew.

L. H. J. Thereupon M[r] Speaker with the whole house went to the Upper House to attend his Excellency, where his Excellency was pleased to Enact the Several Engrost Bills following into Laws by Sealing them with the Right Honourable the Lord Proprietarys great Seale of this province, and Severally Endorsing them Viz.

April 22[d] 1720.

On the Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law

Jo: Hart

N° 1 An Engrost Bill for the Naturalization of Herman Kinkee a Dutchman and his Children, Peter Manadoe a
p. 87 ffrenchman and his Children of Cecil County, John Laviele a ffrenchman of Calvert County, James Parandier and John Parandier of Charles County.

N° 2. An Engrost bill for vesting in the Rector and Vestry of William and Mary Parish in S[t] Mary's County and their Successors an Estate in fee Simple in the old Stadt House in S[t] Mary's City in S[t] Mary's County and the Lott of Land whereon the same Stands for the use of the said Parish for ever.

N° 3. An Engrost Bill for the reliefe of Ephraim Gover and to Invest them with an Estate in fee Simple in the Lands therein mentioned.

4. An Engrost Bill Empowering Certain Commissioners and Trustees to Dispose of the Remaining part of the personall Estates which were of Thomas Smithson late of Dorchester County Gentleman and Thomas Smithson late of Talbot County Esq[r] Decẽd and to Settle and Assess the Losses Damages and Costs by Thomas Hicks Gent and John Davis, son and heir at Law of Jeremiah Davis sustained as also to Value the Lands, whereof the said Thomas Smithson of Dorchester County, and the said Thomas Smithson of Talbot County Died seized and to Dispose of so much of the said personall Estates and the said Lands as will Satisfie the said Thomas Hicks and the said John Davis, for their Damages Losses and Costs sustained by means of a warranty of Lands from the said Thomas Smithson of Dorchester County and the said Thomas Smithson of Talbot County, to the said Thomas Hicks and Jeremiah Davis made.

5 An Engrost Bill to Enable Benjamin Duvall of Prince George's County to sell Two hundred Acres of Land part of a

Tract of Land Called Howertons Range & for Entailing other Lands in Lieu thereof. L. H. J.

N° 6 An Engrost bill for the reliefe of John Deavor of Baltemore County

7. An Engrost Bill for the Relief of Benjamin Howard in makeing good the Survey of Howard's Purchase.

8 An Engrost Bill to Invest an Estate in fee to John Clements of Queen Ann's County in a Certain Lott in the Town of Cambridge in Dorchester County

9 An Engrost Bill reviving and Continuing the Act Entitled an Act for ascertaining the Gauge and Tare of Tobacco hh^ds^ &c. from the twenty ninth day of September next untill the end of the first Session of Assembly that shall happen after the said Twenty ninth day of September. p. 88

10. An Engrost Bill giveing further time to the Severall Tradesmen who Originally took up the new Lotts within the Addition to the City of Annapolis to Improve the Same.

11. An Engrost Bill to Supply Certain Defects in the Conveying of Lands from Henry Gibbs son and heir of Edward Gibbs sometime of Somerset County in the Province of Maryland decēd to Benjamin Laurence, John Belt and Lucy his wife heirs of Benjamin Laurence sometime of Calvert County of the same Province Deceased

N° 12. An Engrost Bill Empowering a Committee to lay Assess and Apportion the Publick Levy for this present year Seventeen hundred and twenty.

N° 13. An Engrost Supplementary Bill to the Act Entituled an Act for Settling a Revenue on her Majestyes Present Governour

N° 14 An Engrost Bill for Reviving and Continuing An Act of Assembly of this Province Entituled an Act for Regulateing Ordinaries

After which his Excellency was pleased to Declare that with the advice of the Right Honourable the Lord Proprietarys Councill of State within this Province, he thought fitt to Prorogue this present Generall Assembly to the fourth day of July next.

Afterwards M^r^ Speaker with the whole house returns to their own House where M^r^ Speaker resumes the Chair and Reports that his Excellency had thought fitt with the Advice of the Right Honourable the Lord Proprietary his Councill of State within this Province to prorogue this present Generall Assembly to the fourth day of July next, to which time this House accordingly prorogues it Self.

L. H. J. So Endeth this fifth Sessions of Assembly for this Province since His Majesty was graciously Pleased to Restore the Right Honourable the Lord Proprietary to his Government This 22[d] Day of April in the fifth year of his Dominion &c Annoq Domini 1720.

Test M Jenifer Cl. Lo. Ho.

A True Copy of the Original Journal of the lower house of Assembly, lodged in the Sec[rys] Office

Examined by me Phile Lloyd Dep[ty] Sec[ry]

NOTE.—The official copies of the laws enacted at this session, for the use of the provincial and county courts, were ordered to be printed instead of written, as had been the previous practice (see pages 588 and 639). But it is not known that any copy of these session laws is now in existence. The text of none of them is given in Bacon's *Laws of Maryland at Large*, published in 1765, as none of those that were of a public or general character were then in force.

INDEX TO NAMES OF PERSONS AND PLACES.

Adams, Alexander, 149.
Addison, Thomas, 3, 13, 14, 15, 18, 19, 25, 26, 31, 42, 44, 45, 48, 63, 68, 74, 76, 95, 99, 119, 125, 133, 134, 141, 144, 145, 149, 151, 152, 156, 157, 158, 161, 163, 166, 167, 172, 174, 180, 182, 189, 190, 193, 194, 195, 202, 221, 224, 227, 229, 232, 238, 242, 244, 251, 261, 271, 291, 304, 305, 307, 308, 313, 318, 321, 322, 325, 331, 332, 335, 336, 342, 344, 348, 374, 390, 406, 410, 412, 418, 425, 433, 436, 477, 485, 487, 488, 489, 490, 494, 497, 499, 501, 504, 505, 508, 511, 512, 514, 519, 522, 523, 524, 526, 529, 530, 532, 535, 538, 541, 559, 575, 590, 591, 592, 596, 599, 602, 610, 615, 627.
Adney, Moses, 373.
America, 491, 544, 545.
Anderson, John, 577.
Anderson, Robert, 577.
Ann Arundel Town, 293.
Ann Arundell Co., 53, 139, 156, 160, 180, 182, 196, 201, 209, 213, 231, 236, 283, 361, 365, 385, 408, 457, 469, 473, 532, 565, 621.
Annapolis, *passim*.
Annapolis (ship), 14, 15.
Annatoquin (Indian), 311.
Anne, Queen, 20, 70, 142, 143, 159, 235, 278, 545.
Anthony (Indian), 311.
Ashcom, Nathaniel, 209.
Ashton, Robert, 142, 143, 144.
Asotage Indians, 233.
Attwood, Peter, 504, 516, 519, 620, 621.

Bacon, Thomas, 109, 111, 113, 114, 115, 289, 291, 294, 460, 461, 463, 464, 469, 473.
Baker, John, 54, 80, 104, 155, 161, 167, 201, 227, 228, 230, 238, 245, 252, 254, 267, 271.
Baltemore Co., 53, 67, 69, 70, 71, 73, 77, 105, 139, 156, 160, 196, 201, 206, 209, 231, 236, 283, 331, 365, 379, 386, 394, 404, 413, 565, 578.
Baltimore, Lord (*see* Calvert).
Bassett, Jonathan, 11, 62.
Bateman, Christopher, 342, 361, 380, 425, 457.
Beake, Thomas, 10, 60, 523.
Beale, John, 31, 37, 64, 88, 96, 97, 152, 163, 168, 183, 186, 187, 188, 209, 227, 233, 241, 246, 247, 263, 265, 267, 270, 272, 277, 320, 321, 324, 325, 330, 332, 333, 338, 339, 341, 342, 347, 348, 361, 366, 373, 378, 385, 391, 393, 395, 400, 403, 412, 422, 423, 424, 434, 435, 436, 438, 439, 443, 444, 449, 458, 487, 493, 499, 502, 503, 505, 506, 507, 509, 512, 513, 514, 516, 517, 518, 519, 522, 523, 524, 525, 526, 527, 530, 531, 533, 534, 535, 536, 538, 539, 540, 541, 542, 544, 550, 551, 552, 553, 555, 556, 557, 561, 566, 575, 577, 582, 588, 589, 591, 594, 597, 598, 600, 601, 602, 603, 605, 606, 607, 609, 610, 611, 612, 613, 616, 617, 618, 619, 620, 622, 624, 625, 626, 627, 629, 631, 634, 635, 636, 638, 639.
Beale, Richard, 209, 321, 324, 333, 361, 395, 438, 458, 542, 629.
Beard, John, 10, 11, 12, 14, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 33, 34, 35, 36, 39, 42, 44, 49, 61, 62, 63, 69, 70, 72, 73, 74, 75, 76, 78, 79, 81, 82, 83, 84, 85, 89, 91, 92, 95, 98, 99, 103, 105, 124, 125, 126, 127, 132, 133, 140, 142, 145, 146, 153, 159, 161, 162, 166, 167, 168, 173, 174, 177, 178, 180, 182, 185, 186, 187, 189, 190, 191, 192, 194, 197, 207, 210, 211, 212, 219, 220, 221, 223, 228, 229, 231, 232, 233, 234, 235, 236, 238, 239, 242, 243, 244, 246, 247, 248, 250, 251, 253, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 271, 272, 273, 274, 275, 276, 305, 311, 313, 319, 320, 323, 324, 326, 329, 330, 331, 332, 333, 334, 336, 337, 339, 340, 341, 342, 343, 344, 346, 347, 349, 350, 351, 352, 362, 366, 374, 379, 381, 387, 389, 391, 392, 393, 394, 395, 399, 402, 404, 406, 407, 408, 410, 411, 413, 414, 415, 416, 418, 419, 420, 421, 423, 424, 425, 430, 431, 432, 433, 435, 436, 443, 444, 446, 448, 454.

Beard, Richard, 291, 292, 438.
Bell, Adam, 68, 165, 180, 181.
Belt, John, 511, 560, 589, 598, 602, 605, 608, 628, 643.
Belt, Lucy, 560, 589, 598, 643.
Bennett, Richard, 504, 523, 532, 587, 620, 621.
Benson, Edmond, 318, 340, 365, 373, 385, 388, 422.
Birchfield, Maurice, 32, 44, 128, 130, 154, 167, 175, 190, 191, 233, 243, 245, 247, 249, 250, 252, 272, 273, 280, 281, 491, 493, 514, 531, 537, 552, 582, 583, 601, 617, 624, 632, 633.
Bishop, Tom (Indian), 312.
Bladen, Martyn, 544, 545.
Bladen, William, 13, 32, 130, 144, 153, 180, 236, 244, 257, 313.
Blakiston, Col. Nathaniel, 14, 60, 190, 208, 268, 271, 445, 633.
Bohemia Mannour, 39.
Bond, Peter, 54, 206.
Bordley, Thomas, 53, 63, 67, 71, 76, 86, 90, 201, 213, 223, 230, 272, 313, 324, 330, 360, 366, 373, 385, 389, 404, 438, 448, 456, 477, 485, 486, 489, 490, 494, 497, 499, 501, 504, 505, 506, 507, 509, 511, 512, 514, 518, 519, 522, 523, 524, 526, 527, 529, 532, 535, 536, 538, 539, 540, 549, 550, 551, 552, 555, 566, 594, 597, 598, 599, 606, 619, 625, 626, 631, 634, 638.
Bozman, George, 378, 586.
Bozman, John, 378, 587.
Bozman's Petition, 578.
Bozman, Risdon, 377, 586.
Bozman, Thomas, 377, 586.
Bozman, William, 377, 378, 504, 518, 520, 522, 586, 590, 606, 608.
Bradford, John, 54, 67, 68, 69, 79, 80, 86, 96, 207, 211, 227.
Brannock, Edmond, 140.
Brannock, John, 11, 12, 39, 54, 62, 77, 86, 126, 133, 140, 159, 160, 209, 211, 212, 218, 219, 241, 242, 267, 305, 333, 374, 386, 405, 414, 486, 489, 518, 523, 565, 574, 579, 610.
Brannock, Rebecca, 141, 159.
Brannock, Thomas, 140, 218.
Briscoe, John, 489.
Broad Creek, 39.
Brooke, Charles, 209.
Brooke, Grace, 209.
Brooke, Robert, 209, 321, 360, 394, 457.
Brooke, Thomas, 3, 13, 48, 54, 141, 149, 151, 153, 158, 159, 161, 165, 228, 235, 237, 245, 317, 321, 322, 325, 334, 335, 338, 342, 351, 352, 415, 417, 419, 420, 446, 477, 487, 488, 489, 490, 494, 497, 499, 501, 504, 505, 507, 510, 512, 514, 515, 533, 622.
Brown, Mark, 511, 512, 578, 596, 599.
Browne (Brown), Peregrine, 174, 177, 196, 233, 241, 246, 250, 254, 283.
Budd, John, 319, 361, 392, 457.
Burridge, John, 177, 196, 241, 250, 254, 283.
Butterworth, ———, 391.

Caldwell, John, 338, 348, 349, 350, 359, 366, 385, 386, 400, 406, 415, 421, 437, 443, 444, 487, 501, 515, 520, 521, 541, 555, 556, 565, 574, 588, 602, 608, 609, 614, 628, 638.
Calvert, Benedict Leonard (Lord Baltimore), 43, 98, 167, 183, 184, 255, 260, 261, 263.
Calvert, Cecilius (Lord Baltimore), 64, 121, 484, 572.
Calvert, Charles (Lord Baltimore), 1, 5, 6, 7, 8, 9, 28, 43, 45, 46, 49, 51, 55, 59, 64, 71, 98, 100, 103, 107, 117, 119, 124, 130, 131, 135, 141, 167, 169, 170, 181, 184, 197, 199, 201, 202, 208, 220, 247, 255, 259, 260, 263, 276, 287, 295, 303, 305, 306, 352, 356, 362, 363, 419, 428, 449, 459, 475, 488, 491, 492, 561, 563, 583, 584, 603, 605, 629, 640.
Calvert Co., 53, 201, 365, 381, 386, 565, 643.
Cambridge, 389, 395, 560, 643.
Carroll, Charles, 120, 121, 129, 130, 164, 167, 168, 172, 173, 183, 184, 202, 203, 246, 248, 255, 256, 261, 446, 447, 481, 482, 503, 532, 569, 570, 571, 620, 621.
Carroll, James, 503, 532, 620, 621.
Carter, William, 142.
Cary, John, 174, 177, 196, 241, 250, 254, 283.
Cay, Jona, 149.
Cecil Co., 34, 39, 48, 74, 79, 80, 82, 87, 105, 365, 386, 488, 565, 576.
Charles I, 484, 573.
Charles II, 102, 142, 354, 451.
Charles Co., 53, 201, 206, 365, 386, 391, 489, 565.
Charles Town, 168, 177.
Checkacone, 312.
Chetwynd, J., 544.
Chilton, ———, 245, 247.
Choptank, 312.
Choptank Indians, 312.

Clarke, George, 365, 386, 433, 565.
Clark, Thomas, 343, 344.
Clements, John, 62, 212, 322, 333, 389, 395, 398, 414, 489, 513, 521, 523, 536, 560, 609, 610, 628, 643.
Cockshutt, Thomas, 149.
Codd, St. Leiger, 26, 36, 37, 53, 76, 84, 85, 88, 201, 247, 268, 322, 329, 340, 344, 348, 357, 365, 373, 386, 390, 395, 398, 406, 409, 415, 422, 433, 436, 437, 439, 454, 565, 575, 587.
Cole, George, 174, 177, 196, 241, 250, 254, 283.
Cole, Mary, 590.
Cole, Richard, 590.
Colebatch, Joseph, 149.
Colegate, Capt. Richard, 34, 36, 37, 53, 67, 69, 82, 84, 85, 88, 319, 340, 365, 373, 386, 392, 398, 406, 422, 507, 517, 540, 554, 565, 575, 594, 605, 627, 637.
Coleman, Mr., 170.
Contee, Alexander, 488.
Contee, John, 524, 610.
Cooke, Charles, 545.
Cooke, Thomas, 158, 177, 178, 179, 235, 236, 254, 255, 257, 258, 432.
Copanquo Town, 22, 23, 73.
Copley (Governor), 356.
Cordea, Mark, 576.
Coursey, Henry, 90.
Coursey, James, 423.
Coursey, John, 90, 422.
Coursey, William, 3, 11, 12, 13, 18, 19, 21, 24, 26, 31, 35, 36, 37, 38, 41, 42, 45, 48, 62, 68, 71, 73, 84, 85, 88, 89, 92, 95, 103, 105.
Crabb, Ralph, 345, 365, 373, 386, 434, 511, 540, 565, 575, 599, 627.
Creagh, Mary, 180, 251, 261.
Cumming, William, 375.

Dansey (*see* Dausey).
Dare, Nathaniel, 53, 67, 70, 77, 82, 152, 161, 178, 201, 219, 225, 227, 237, 242, 256, 276, 341, 423, 576, 596.
Dare, William, 339, 365, 386, 422, 488, 508, 565.
Darnall, Henry, 503, 516, 519, 532, 533, 620, 621, 622.
Darrington, Mary, 380. (*See* Dorrington.)
Dashiel, Thomas, 207.
Dashiell, George, 343, 351, 366, 386, 400, 414, 431, 446, 510, 511, 522, 525, 537, 556, 565, 597, 599, 607, 611, 614, 623, 639.
Dausey, John, 330, 410.
Davis, Jeremiah, 560, 589, 642.
Davis, John, 560, 589, 642.
Day, Edward, 63, 139, 155, 160, 196, 213, 214, 231, 236, 283.
Deavour, John, 313, 318, 387, 503, 507, 517, 521, 522, 560, 594, 605, 608, 643.
Deer Creek, 391.
Dent, George, 330, 348, 365, 386, 409, 443, 521, 536, 565, 609, 623, 638.
Dent, Thomas, 60, 175, 207, 231, 241, 249, 271, 556.
Denton, Vachel, 233, 378, 402, 430, 438.
Devegh, Elizabeth, 139, 155, 158, 161, 196, 213, 214, 231, 233, 238, 255, 283.
Devegh, John, 139.
D'hyniossa, Johannes, 378.
Digges, John, 320, 321, 324, 325, 330, 333, 338, 341, 516, 519, 620, 621.
Diggs, Charles, 503, 516, 519, 533, 620, 621, 622.
Diggs, William, 503, 516, 519, 533, 620, 621, 622.
Dodd, John, 36, 37, 85, 88.
Dodd, Mary, 156, 175, 229, 241, 249, 266, 277.
Dollahide, Francis, 54, 70, 201, 220, 227, 255, 271, 365, 386, 505, 507, 565, 592, 594.
Dominique, P., 545.
Dorchester Co., 39, 53, 62, 86, 133, 139, 140, 150, 201, 212, 218, 219, 322, 333, 365, 375, 386, 414, 486, 565.
Dorrington, Mary (Darrington, 380), 578, 600, 606.
Dorrington, William, 380, 524, 531, 610, 617.
Dorsey, Col., 438. (*See* Dausey.)
Drummond, Richard, 395.
Dulany (Dullany), Daniel, 162, 167, 239, 324, 325, 330, 512.
Durham (tract of land), 391.
Duvall, Benjamin, 487, 511, 512, 520, 522, 560, 576, 599, 600, 608, 628, 642.

Earle, James, 322, 342, 366, 386, 398, 425, 530, 535, 565, 575, 615, 619.
Eaton, Jeremiah, 379.
Edloe, Edward, 68.
Edmondson, John, 31.
Edmondson, Thomas, 305, 350, 365, 374, 386, 415, 445, 515, 565, 602, 610.
Edward VI, 345, 433, 523.
Eilbeck, Philip, 131, 157, 158, 163, 196, 211, 230, 234, 241, 283.
Elk River, 39.

Emerson, Major Thomas, 41, 44, 53, 67, 77, 80, 94, 99, 161, 183, 201, 220, 225, 227, 242, 244, 263, 267, 269, 270, 332, 365, 386, 395, 398, 406, 412, 423, 432, 566.
England, 36, 148, 157, 177, 184, 216, 230, 253, 301, 310, 335, 369, 372, 417, 549, 577, 603.
Ennalls, Henry, 13, 15, 595.
Ennalls, Thomas, 19, 21, 26, 31, 48, 62, 71, 125, 127, 133, 134, 145, 151, 152, 156, 158, 159, 210, 221, 227, 229, 233, 237.

Feddeman, Philip, 31, 39, 218, 387.
Fendall (Fendal), John, 27, 53, 69, 78, 84, 94, 104, 155, 161, 173, 191, 201, 218, 227, 228, 238, 245, 247, 249, 267, 273, 330, 345, 348, 365, 386, 409, 433, 443, 565.
Finney, Samuel, 143.
Fisher, Thomas, 350, 366, 373, 386, 445, 575.
Fitz Redmond, William, 503, 532, 620, 621.
Fletcher, Dorothy, 388.
Fletcher, Michael, 388.
Fodry (Faudrie), Moses, 579, 582, 592.
Forbes, George, 381.
Ford, John, 318, 320, 360, 377, 378, 388, 389, 390, 392, 393, 439, 456.
Fowler, Roger, 311, 312.
Fraser, John, 149.
Free School (in Annapolis), 108.
Freeman, Margret, 438.
Frisby, James, 60, 71, 82, 86, 90, 94, 104, 152, 165, 179, 191, 192, 207, 218, 225, 227, 244, 252, 258, 273, 274, 282, 325, 327, 365, 386, 403, 406, 449, 566.

Garrett, Amos, 503, 529, 553, 589, 593, 615.
George I, 3, 4, 5, 46, 55, 56, 100, 119, 123, 128, 297, 428, 469, 477, 483, 495, 571, 580.
Gerard, Mrs., 212.
Gerrard (Gerrad), John, 519, 534, 606, 618.
Ghiselin, Reverdy, 109, 111, 113, 114, 115, 289, 291, 294, 460, 461, 463, 464, 469, 473.
Gibbs, Edward, 510, 515, 516, 560, 602, 605, 608, 643.
Gibbs, Henry, 510, 513, 515, 516, 520, 522, 560, 589, 598, 600, 602, 605, 643.
Glades Addition, 160, 196, 283.
Gladstone, James, 488, 577.
Goodwin, John, 175, 249, 280.
Gookin, Charles, 143.
Gover, Ephraim, 500, 502, 507, 559, 578, 588, 589, 593, 628, 642.
Gover, Samuel, 506, 587.
Gray's Inn, 305, 375.
Gray, Robert, 319, 361, 391, 392, 457.
Gray, William, 209, 321, 324, 360, 378, 394, 395, 401, 404, 439, 457.
Great Britain, 120, 126, 138, 146, 203, 210, 216, 279, 299, 301, 314, 315, 335, 344, 354, 355, 368, 370, 375, 379, 382, 383, 415, 422, 425, 426, 433, 451, 452, 480, 481, 482, 483, 495, 497, 499, 502, 527, 531, 542, 558, 569, 570, 571, 572, 586, 613, 616, 629, 641.
Green, John, 388.
Greenfield, Thomas Truman, 9, 22, 25, 41, 42, 54, 67, 69, 72, 73, 75, 94, 95, 104, 145, 156, 162, 163, 201, 218, 221, 229, 241, 268, 365, 386, 565.
Gresham, John, 262, 438.
Griffith, Edward, 579.
Growden, Joseph, 143.
Guilford, Francis, Lord, 3, 5, 6, 7, 8, 15, 18, 46, 55, 56, 58, 59, 60, 65, 68, 71, 86, 100, 102, 119, 121, 124, 130, 131, 135, 138, 141, 169, 170, 181, 202, 203, 208, 217, 220, 258, 276, 298, 302, 303, 314, 326, 327, 332, 352, 367, 372, 381, 410, 411, 412, 450, 478, 490, 491, 492, 542, 544, 558, 566, 582, 583, 584, 603, 605, 629, 632, 640.

Hall, Benjamin, 503, 516, 519, 533, 620, 621, 622.
Hall, Henry, 149.
Hall, John, 10, 11, 29, 31, 35, 39, 41, 43, 45, 48, 60, 79, 85, 92, 134, 140, 149, 151, 152, 153, 158, 159, 165, 167, 173, 177, 185, 187, 190, 192, 193, 194, 195, 219, 222, 227, 228, 232, 236, 245, 248, 265, 268, 297, 304, 307, 308, 312, 313, 318, 319, 320, 321, 322, 324, 325, 326, 329, 330, 331, 335, 336, 341, 342, 344, 346, 348, 349, 350, 351, 352, 357, 358, 387, 389, 393, 404, 409, 413, 417, 423, 424, 432, 434, 435, 444, 448, 453, 454, 489, 490, 494, 497, 499, 501, 503, 505, 507, 509, 510, 512, 513, 514, 517, 518, 519, 522, 523, 526, 530, 531, 532, 534, 535, 538, 540, 541, 544, 549, 552, 553, 554, 557, 559, 582, 600, 605, 609, 611, 612, 614, 616, 617, 634, 636.

Hall, Mary, 160, 163, 167, 196, 212, 226, 237, 244, 245, 256, 283.
Hammond (Hamond), Philip, 156, 157, 175, 226, 229, 230, 241, 242, 250, 253, 254, 277, 282, 386, 394, 396, 398, 439, 442, 449, 453, 508, 511, 512, 593, 595, 599, 600, 632.
Hannover (House of), 4, 5, 46, 55, 56.
Hanson, Benjamin, 489.
Hanson, Robert, 365, 374, 386, 565.
Hanson, Samuel, 11, 12, 41, 53, 61, 62, 67, 90, 206, 489.
Hardy, Captain John, 158, 160, 232, 237.
Harris, James, 39, 53, 67, 78, 79, 86, 87, 89, 90, 92, 94, 97, 99, 104, 149, 165, 201, 222, 244, 245, 270.
Hart, John, Governor, 1, 3, 4, 8, 14, 18, 19, 31, 51, 55, 59, 60, 68, 105, 107, 117, 119, 123, 125, 127, 128, 130, 133, 134, 145, 147, 150, 151, 154, 179, 191, 199, 206, 224, 236, 257, 273, 283, 285, 287, 295, 297, 302, 304, 307, 318, 327, 360, 363, 371, 375, 389, 411, 447, 456, 459, 475, 477, 485, 488, 490, 491, 492, 494, 497, 499, 500, 505, 507, 510, 514, 516, 523, 526, 532, 535, 541, 552, 563, 574, 583, 584, 587, 603, 604, 605, 620, 621, 626, 632, 638, 642.
Hawkins, John, 53, 70, 77, 104, 207.
Heath, James, 62.
High (Heigh), Robert, 157, 158, 163, 196, 210, 211, 230, 234, 241, 283.
Henderson, Jocob, 149.
Herman, Ephraim Augustine, 69, 80, 88, 103, 207, 218, 225, 269, 270, 377, 386, 488, 508, 510, 511, 542, 565, 576, 596, 597, 599, 628.
Hicks, Captain Levin, 13.
Hicks, Thomas, 388, 560, 578, 589, 628, 642.
Hill, Clement, 503, 516, 519, 533, 620, 621, 622.
Hill, Joseph, 36, 37, 53, 84, 85, 88, 94, 100, 152, 201, 218, 227, 305, 320, 322, 328, 346, 349, 350, 351, 365, 373, 374, 385, 393, 394, 397, 398, 404, 406, 415, 433, 436, 443, 445, 446, 503, 510, 511, 523, 524, 534, 535, 536, 565, 575, 589, 597, 599, 609, 611, 614, 618, 619.
Hill, Richard, 142, 143.
Holdsworth, Thomas, 578.
Holland, William, 3, 13, 18, 21, 22, 26, 31, 34, 38, 39, 40, 54, 60, 68, 72, 73, 83, 89, 91, 119, 125, 135, 144, 145, 149, 151, 152, 158, 159, 160, 161, 166, 168, 172, 182, 190, 191, 195, 202, 220, 221, 223, 227, 228, 238, 242, 246, 258, 264, 266, 268, 271, 272, 274, 283, 291, 297, 304, 307, 308, 312, 313, 318, 319, 321, 330, 366, 389, 395, 477, 485, 486, 487, 488, 489, 493, 497, 499, 501, 503, 504, 505, 507, 509, 510, 512, 513, 514, 516, 518, 519, 520, 521, 523, 526, 528, 529, 530, 531, 532, 534, 535, 536, 538, 541, 542, 549, 552, 556, 557, 559, 566, 585, 586, 588, 597, 600, 602, 620, 639, 641.
Holmes, Thomas, 438.
Hooper, Richard, 380.
Hopkins, Samuel, 15, 54, 63, 80, 98, 201, 218, 263.
Hoskins, Phillip, 53, 69, 79, 206.
Howard, Benjamin, 139, 156, 160, 196, 209, 213, 214, 231, 236, 255, 283, 391, 505, 515, 517, 560, 578, 592, 598, 601, 628, 643.
Howard, John, 509.
Howard's Purchase, 560, 643.
Howell, Thomas, 149.
Howerton's Range, 560, 576, 643.
Humphrys, Mr., 326, 327, 331, 332, 410, 411, 412.
Hungerford, Jo:, 306, 376, 427.
Hutton, Ann, 533, 622.
Hyde, John, 15, 100, 329, 409.
Hynson, Nathaniel, 33, 53, 61, 75, 80, 90, 175, 189, 207, 241, 242, 249, 271, 275, 282, 304, 335, 336, 337, 355, 365, 373, 374, 378, 385, 386, 388, 400, 417, 418, 423, 432, 453, 540, 565, 575, 598, 627.

Irvine, George, 149.

James I, 428.
Jenifer, Michael, 3, 12, 20, 22, 26, 36, 38, 44, 54, 61, 70, 71, 73, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 103, 105, 106, 124, 133, 140, 141, 144, 145, 151, 152, 158, 160, 161, 163, 164, 165, 166, 173, 174, 176, 178, 179, 182, 183, 186, 188, 189, 190, 192, 194, 195, 201, 207, 213, 214, 218, 219, 220, 222, 225, 226, 227, 228, 230, 231, 232, 233, 236, 237, 238, 240, 241, 244, 245, 248, 251, 252, 254, 255, 256, 257, 258, 262, 263, 265, 266, 267, 268, 269, 270, 272, 273, 274, 275, 276, 282, 285, 302, 304, 317, 320, 322, 323, 324, 325, 333, 335, 336, 338, 339, 340, 342, 344, 345, 347, 348, 349, 350, 357, 358, 359, 360, 371, 374, 378, 380, 385, 388, 389, 390, 392, 393, 394, 395, 397, 398, 400, 401, 403, 408, 412, 413, 414,

415, 417, 419, 420, 421, 422, 423, 424, 425, 431, 432, 433, 434, 435, 436, 437, 438, 443, 444, 445, 448, 453, 454, 455, 456, 458, 487, 496, 500, 501, 502, 504, 505, 507, 508, 509, 510, 511, 514, 515, 517, 518, 520, 521, 523, 524, 525, 528, 529, 530, 531, 532, 534, 535, 537, 539, 540, 541, 542, 552, 554, 555, 556, 557, 574, 577, 582, 593, 596, 598, 601, 602, 608, 609, 610, 611, 614, 615, 616, 617, 618, 623, 625, 627, 628, 633, 635, 637, 638, 639, 640, 644.
John (Lord Bishop of London), 148, 154, 155, 159, 235, 237, 243.
Johnson, Robert, 320, 324, 360, 379, 390, 392, 393, 394, 401, 404, 439, 457.
Jones, Evan, 96, 97, 264, 266, 271, 272, 405, 433, 444, 504, 515.
Jones, Griffith, 142.
Jones, John, 345, 366, 386, 565, 601, 602.
Jowles, Henry Peregrine, 27, 43, 54, 78, 98, 104, 145, 156, 161, 201, 221, 229, 231, 237, 242, 244, 258, 324, 365, 385, 386, 401, 415, 566.

Keen, Captain John, 13.
Keen, Richard, 516, 517, 620, 621.
Kennedy, Hugh, 532, 622.
Kenslaugh, Dominick, 173, 180, 250, 251, 261.
Kent Co., 53, 131, 319, 365, 380, 386, 565, 611.
Kent Marshes, 301, 370, 403.
Kinkee, Herman, 500, 502, 507, 559, 575, 593, 642.
Kirk, John, 11, 12, 13, 36, 231, 414, 590.
Kitson, Capt., 395.
Knight, Stephen, 233, 247.

Lake of Ladoga, 547.
Laramore, Robert, 386, 424, 536.
Laramore, Roger, 342, 359, 365, 488, 565, 576, 623.
Larkin, Thomas, 404, 506, 594.
Laviel, John, 374, 559, 593, 642.
Lawrence, Benjamin, 511, 560, 589, 598, 600, 602, 605, 608, 628, 643.
Lawrence, Thomas, 356.
Lecompt, Anthony, 576.
Lecompt, Moses, 11, 12, 13, 36, 62, 209, 595.
Lecompt, Nathaniel, 576.
Lee, James, 413, 420, 432.
Lee, Philip, 302, 325, 338, 340, 365, 371, 373, 386, 390, 394, 403, 422, 449, 508, 509, 510, 511, 520, 528, 537, 554, 557, 565, 575, 596, 597, 599, 601, 608, 614, 615, 623, 637, 638, 640.
Linthicum, Thomas, 374.
Lloyd, Edward, 579, 603, 631.
Lloyd, James, 22, 25, 46, 53, 72, 73, 75, 79, 105, 124, 144, 145, 156, 160, 161, 173, 178, 186, 190, 201, 221, 222, 226, 229, 236, 237, 242, 249, 257, 265, 272, 277, 282, 325, 365, 373, 386, 397, 403, 415, 449, 510, 511, 534, 565, 575, 593, 597, 599, 602, 618, 637.
Lloyd, Philemon, 15, 18, 19, 26, 29, 34, 36, 37, 39, 44, 48, 71, 75, 80, 85, 86, 88, 89, 125, 151, 152, 161, 162, 166, 185, 186, 187, 194, 195, 207, 210, 218, 220, 228, 237, 238, 266, 277, 307, 308, 311, 312, 313, 322, 324, 329, 335, 337, 338, 340, 351, 352, 356, 357, 360, 379, 402, 409, 410, 418, 420, 424, 445, 449, 455, 477, 485, 489, 490, 494, 497, 499, 500, 506, 507, 509, 511, 512, 514, 517, 518, 522, 523, 525, 526, 529, 530, 534, 535, 538, 540, 544, 549, 550, 552, 553, 554, 555, 556, 559, 588, 594, 597, 599, 605, 609, 612, 615, 616, 626, 636, 638, 639, 644.
Lloyd, Philip, 131.
Lloyd, Sarah, 579, 592.
Locust Neck, 312.
London, 121, 175, 249, 280, 478, 481, 569.
Long, John, 140, 159.
Longpoint, 39.
Loockerman, Goovert, 39, 150.
Lookerman (Lockerman), Jacob, 13, 518.
Lowe, Charles, 10, 21, 60, 523.
Lowe, Henry, 9, 13, 18, 19, 21, 26, 27, 33, 45, 48, 71, 78, 82, 103, 124, 125, 133, 134, 141, 145, 149, 151, 156, 158, 166, 167, 174, 177, 178, 185, 188, 191, 212, 221, 224, 229, 246, 250, 253, 257, 262, 265, 271, 297, 304, 307, 308, 318, 319, 321, 322, 325, 328, 333, 366, 389, 391, 411, 414, 477, 485, 487, 488, 489, 490, 494, 497, 499, 501, 504, 505, 507, 509, 510, 512, 514, 515, 516, 518, 519, 522, 523, 526, 527, 529, 532, 534, 535, 582, 605, 613, 618.
Lowe, Nicholas, 153.
Lyle, Samuell, 313, 342, 361, 381, 425, 457.

Macclaster, John, 586, 587.
Machoncie, William, 149.
Mackall, Benjamin, 365, 386, 487, 565, 574.

Mackall, John, 3, 15, 35, 36, 37, 39, 44, 53, 54, 67, 73, 74, 78, 79, 82, 83, 84, 85, 88, 96, 103, 119, 135, 161, 164, 174, 187, 188, 189, 191, 192, 195, 201, 202, 214, 218, 228, 233, 237, 238, 242, 244, 252, 267, 269, 270, 271, 273, 275, 282, 297, 321, 323, 324, 325, 348, 350, 359, 365, 366, 373, 386, 400, 402, 436, 437, 439, 444, 455, 477, 506, 514, 521, 531, 534, 537, 539, 540, 552, 554, 565, 566, 575, 594, 601, 609, 617, 623, 625, 626, 627, 632, 633, 637.
Mackeel, Thomas, 30, 31.
McKirk, John, 333.
Macnemara, Thomas, 53, 120, 123, 125, 126, 127, 128, 130, 134, 135, 138, 141, 142, 143, 151, 159, 165, 168, 169, 170, 171, 172, 180, 181, 190, 192, 194, 197, 202, 205, 206, 208, 209, 210, 216, 217, 220, 221, 225, 226, 236, 244, 247, 258, 259, 270, 279, 280, 284, 298, 303, 305, 306, 307, 325, 336, 341, 361, 367, 372, 375, 376, 379, 397, 402, 417, 423, 426, 427, 428, 429, 431, 457, 490, 491, 492, 518, 531, 538, 584, 585, 617, 624.
Major, Thomas, 438.
Manadoe, Peter, 559, 575, 593, 642.
Manning, Richard, 69, 77.
Mariartee, Daniel, 3, 54, 69, 119, 139, 151, 152, 158, 175, 177, 182, 186, 188, 201, 214, 225, 227, 233, 241, 249, 252, 262, 265, 266, 270, 275, 277, 282, 283, 291, 365, 373, 385, 398, 434, 537, 565, 575, 623.
Marlbrough (Town), 160, 168, 177, 238, 247.
Marsey, Peter, 63, 210.
Marsey, Sarah, 63, 210.
Masters, Thomas, 142.
Mathews, Henry, 438.
Maxwell, James, 36, 37, 54, 67, 69, 84, 85, 88, 104, 119, 160, 168, 176, 183, 184, 187, 201, 202, 218, 237, 247, 252, 263, 264, 269, 271, 275, 319, 348, 357, 359, 365, 386, 392, 395, 406, 436, 439, 565, 602, 605.
Maxwell, John, 437, 454, 515, 517.
Maynadier, Daniel, 149.
Meekins, John, 39, 53, 86, 201, 227, 237.
Mercier, F., 41.
Monason (Indian king), 157, 232.
Moore's Reports, 428.
Mount Calvert, 161.
Mountague, Henry, 428.
Murdock, John, 212.
Muscovy, 545.
Nanticoke Indians, 311.
Nicholson, Col., 438.
Nicols, Henry, 125, 149, 225.
North Potowmack, 167.
Northey, Edward, 307, 375, 377, 427, 428, 429.
Nutter, Charles, 13.

Oldfield, Esther, 166, 246, 251.
Oldham, John, 41, 42, 49, 82, 91, 92, 94, 103, 106.
Oxford Town (Point), 41, 42, 49, 82, 91, 106, 153, 293.

Panquash (Indian), 311.
Paramore (Parramore), Arnold, 67, 395.
Paramore (Parramore), John, 67, 395.
Paramore (Parramore), Thomas, 67, 395.
Parandier, James, 559, 586, 593, 642.
Parandier, John, 559, 586, 593, 642.
Parepoint (Pierpoint), Mehitable, 488, 577.
Parry, John, 340, 342, 365, 373, 385, 386, 422, 424, 432, 489, 566.
Patuxent River, 301, 370, 403.
Pengelly, Thomas, 306, 376, 427, 428.
Penn, William, 142.
Pensilvania, 190, 272, 470.
Phelps, John, 32.
Philadelphia, 142, 143, 151, 220, 226.
Philips, James, 209, 226, 255, 338, 341, 348, 365, 373, 385, 386, 395, 406, 419, 423, 437, 566.
Pierpoint (*see* Parepoint).
Piscattaway Mannor, 162, 239.
Plater, Mr., 330, 410.
Plummer, Thomas, 233, 393, 510, 519, 534, 588, 598, 606, 609, 618.
Plumstead, Clement, 143.
Pocomoke District, 126.
Pollard, Tobias, 26, 53, 77, 80, 98, 104, 133, 140, 158, 160, 177, 182, 190, 191, 201, 213, 214, 218, 222, 227, 233, 236, 252, 254, 262, 268, 272, 273, 275, 312, 380, 388.
Preston, Samuel, 142.
Prince George's Co., 53, 160, 162, 168, 174, 196, 201, 206, 238, 239, 241, 247, 251, 254, 256, 283, 365, 386, 488, 508, 511, 517, 565, 596, 599.
Pulsifer, David, 159, 165, 180, 181.
Pulteney, D., 545.
Pulteney, J., 491, 544, 583.
Purnell, John, 15, 61, 63, 207.

Queen Ann's Co., 53, 201, 207, 268, 366, 386, 565.
Queen Ann Town, 301, 370, 403.

Read, George, 327, 411.
Reynolds, Thomas, 211, 212, 228, 240.
Rider (Ryder), John, 13, 159, 322, 333, 365, 386, 414, 532, 555, 556, 565, 575, 595, 601, 614, 617, 638, 639.
Roach, George, 143.
Roberts, Henry, 318, 320, 360, 378, 388, 389, 390, 392, 393, 456.
Roberts, Robert, 63, 210, 587.
Robins (Robbins), Thomas, 19, 53, 69, 78, 84, 92, 158, 231, 241, 253.
Robinson's Heirs, 247.
Ross, George, 149.
Round, Mary, 64, 210.
Round, William, 64, 210.
Rousby, John, 26, 32, 37, 42, 43, 53, 54, 67, 68, 70, 71, 77, 86, 97, 201, 219, 221, 225, 235, 257, 302, 319, 322, 325, 329, 330, 331, 335, 337, 348, 365, 371, 373, 386, 390, 397, 398, 400, 402, 410, 412, 417, 418, 436, 437, 439, 490, 501, 510, 511, 565, 575, 582, 588, 597, 599, 614.
Rozier, Mr., 539, 626.
Russia, 546.

St. Ann's Parish, 83, 174, 251, 258, 262, 418, 590.
St. James's (Palace), 126.
St. John's Parish, 311, 319, 324, 360, 379, 392, 393, 401, 404, 439, 457.
St. Mary's City, 559, 593, 642.
St. Mary's Co., 53, 201, 365, 374, 386, 565, 587, 589, 611.
St. Michael's Parish, 388, 522, 607.
Scott, Day, 63, 210.
Scott, Edward, 34, 41, 43, 53, 62, 80, 90, 91, 98, 141, 145, 156, 165, 178, 182, 185, 187, 192, 201, 218, 219, 222, 229, 245, 256, 262, 266, 268, 274, 275, 282, 283.
Scott, George, 63, 210, 234.
Seager (Seagger), John, 209, 611.
Sewall, Nicholas, 231, 504, 620.
Sewall, Richard, 149.
Seymour, Governor, 550, 631.
Skippon, Samuel, 149, 225, 304, 418, 485, 486.
Smith, Edward, 83, 590.
Smith, Esther, 106, 246, 251.
Smith, James, 331, 345, 365, 373, 385, 386, 412, 434, 520, 530, 554, 565, 575, 637, 638.
Smith, Walter, 322, 329, 331, 365, 385, 386, 398, 406, 409, 555, 565, 593, 608, 614, 615.
Smithson, Mary, 49, 95, 97, 106, 388.
Smithson, Thomas (of Talbot Co.; and of Dorchester Co.), 40, 41, 42, 43, 49, 95, 97, 106, 388, 518, 521, 522, 525, 532, 536, 560, 589, 605, 607, 611, 612, 614, 617, 642.
Smyth, Thomas, 3, 13, 18, 24, 26, 34, 35, 41, 42, 45, 48, 68, 75, 80, 84, 85, 119, 125, 134, 144, 145, 149, 151, 158.
Snowden, Richard, 242, 378, 388, 453, 598.
Somersett Co., 63, 196, 201, 207, 213, 214, 231, 236, 283, 366, 386, 565.
Stanbury, Nathan, 142, 143.
Steele, John, 153, 174, 178, 179, 182, 196, 251, 256, 260, 262, 270, 284, 327, 332, 411, 412.
Steevens, John, 231.
Stoddert, James, 3, 19, 20, 53, 54, 67, 70, 74, 145, 156, 201, 221, 229, 291, 325, 351, 359, 365, 373, 385, 386, 403, 446, 449, 456, 494, 511, 565, 575, 579.
Stokes, John, 337, 419.
Stoughton, William, 126.
Swanson, Francis, 510, 519, 521, 534, 598.

Talbot Co., 41, 53, 67, 69, 70, 71, 73, 77, 105, 201, 365, 386, 415, 565.
Tannall, Edward, 15.
Tasker, Benjamin, 54, 62, 96, 97, 100, 103, 206, 227, 503, 527, 529, 530, 534, 541, 555, 589, 593, 615, 616, 618, 628, 638.
Taylard, William, 438.
Taylor, Abraham, 255.
Taylor, Peter, 41, 53, 90, 104, 133, 140, 165, 182, 209, 213, 218, 227, 244, 254, 262, 271, 276, 365, 380, 386, 387, 388, 389, 486, 565, 574, 576, 577.
Thatcher, Richard, 587.
Thomas, Philip, 489.
Thomas, William, 611.
Thompson, John, 14.
Thompson, Thomas, 149.
Tibbs, William, 149.
Tilghman, Richard, 3, 13, 18, 19, 20, 26, 31, 36, 37, 39, 40, 44, 45, 48, 69, 70, 80, 85, 88, 89, 91, 105, 119, 125, 127, 133, 134, 144, 145, 149, 151, 156, 158, 166, 172, 174, 177, 182, 185, 186, 187, 194, 195, 210, 221, 224, 229, 231, 233, 251, 253, 266, 275, 277, 297, 304, 307, 308, 312, 313, 322, 324, 335, 337, 342,

343, 347, 349, 351, 352, 358, 366, 380, 402, 419, 430, 431, 436, 439, 443, 448, 449, 453, 477, 485, 487, 488, 489, 490, 494, 497, 499, 522, 525, 577, 607, 611.
Toas, John, 63, 587.
Todd, Lancellot, 249, 438.
Travers, Elizabeth, 69, 77.
Trippe, Henry, 13.
Turbutt, William, 42, 44, 46, 53, 90, 94, 99, 104, 105, 145, 156, 161, 185, 186, 201, 214, 221, 229, 236, 237, 242, 244, 265, 266, 277, 318, 341, 366, 373, 374, 386, 388, 423.
Turky Point, 233, 246.
Turner, Abraham, 64, 210.
Tuskarora Indians, 323, 400, 489.
Tyler, Robert, 27, 35, 36, 37, 41, 54, 67, 69, 77, 82, 84, 85, 88, 93, 94, 124, 163, 175, 177, 178, 201, 207, 226, 240, 241, 249, 253, 255, 257, 297, 327, 333, 334, 344, 346, 348, 349, 365, 366, 373, 385, 386, 394, 396, 406, 408, 414, 415, 431, 434, 436, 437, 439, 443, 477, 500, 508, 509, 510, 530, 537, 538, 542, 554, 555, 565, 566, 575, 588, 595, 596, 597, 598, 599, 616, 623, 625, 628, 637.

Ungle, Robert, 180, 268, 298, 365, 366, 386, 455, 565.

Valentine, George, 180, 269.
Vanbeber, James, 508, 595, 596.
Vanburkelow, Abel, 337, 419.
Vanderheyden, Mathias, 61, 201, 225, 276.
Vansweringen, Joseph, 576.
Virginia, 17, 66, 102, 310, 317, 354, 385, 451, 452, 543.

Wailes, Benjamin, 366, 386, 406, 504, 506, 556, 565, 594, 638.
Walker, L., 491, 583.
Walls, George, 30, 41, 43, 49, 79, 87, 90, 91, 97, 106.
Ward, John, 33, 60, 77, 80, 157, 177, 178, 187, 194, 257.
Ward, Matthew Tilghman, 53, 201, 219, 230, 255, 269, 276, 297, 304, 307, 308, 312, 313, 319, 320, 321, 322, 325, 333, 335, 338, 341, 342, 343, 347, 349, 366, 381, 390, 393, 415, 420, 431, 436, 439, 443, 477, 485, 487, 488, 489, 490, 494, 497, 499, 502, 504, 506, 507, 509, 510, 511, 512, 514, 518, 519, 522, 523, 526, 529, 532, 535, 538, 540, 541, 549, 550, 551, 552, 553, 556, 559, 590, 594, 597, 599, 606, 619, 631, 634, 635, 638.
Warfield, Alexander, 53, 163, 201, 227, 241, 291.
Warfield, Richard, 53, 80, 201, 227, 228, 240, 365, 385, 434, 503, 505, 530, 565, 589, 592, 615.
Warman, Stephen, 532, 622.
Waughop, Thomas, 53, 94, 178, 201, 222, 225, 252, 257, 271, 342, 365, 374, 386, 425, 431, 565.
Wharton, Henry, 503, 620.
Whittington, William, 13, 15, 54, 63, 80, 207, 245, 271.
Wilkinson, Christopher, 149, 159, 235, 237.
Willcox, Joseph, 142.
William III, 102, 137, 144, 279, 289, 354, 356, 451, 452, 543, 630.
William and Mary, 345, 433, 480, 569.
William and Mary Parish, 501, 502, 506, 507, 559, 578, 579, 587, 590, 593, 628, 642.
Williams, Edward, 142.
Williamson, Alexander, 149.
Williamson, James, 149.
Wilmer (Willmore), Lambert, 324, 365, 386, 401, 565.
Wilson, Josiah, 11, 12, 34, 42, 43, 44, 48, 54, 61, 62, 69, 73, 80, 94, 98, 99, 104, 206.
Woolford (Woollford) (Wollfords), Roger, 31, 71, 322, 324, 331, 333, 338, 365, 374, 385, 386, 402, 409, 414, 419, 423, 432, 456, 486, 510, 517, 524, 532, 554, 565, 574, 575, 598, 605, 611, 614, 617, 637.
Wright, Charles, 26, 77, 84, 86, 95, 104, 167, 175, 191, 201, 218, 241, 244, 245, 249, 267, 273, 276, 304, 340, 344, 346, 347, 348, 366, 373, 374, 386, 390, 422, 424, 431, 434, 435, 436, 437, 439, 565, 575.
Wright, Edward, 42, 53, 201, 225, 268.
Wright, Nathaniel, 337, 419.
Wright, Thomas Hynson, 90, 422, 590.
Wrightson, John, 388.
Wrightson, Mary, 388, 521, 525, 607, 611.

Yoakly, Stephen, 14, 15.
Young, Richard, 93, 373.
Young, Samuel, 3, 13, 18, 19, 22, 23, 25, 26, 34, 41, 42, 43, 44, 45, 48, 62, 68, 73, 75, 76, 81, 95, 96, 97, 98, 100, 119, 124, 125, 133, 135, 144, 145, 149, 151, 152, 158, 159, 161, 167, 172, 180, 182, 183,

185, 187, 188, 190, 191, 192, 193, 194, 195, 207, 225, 228, 237, 238, 240, 242, 247, 252, 256, 258, 260, 263, 264, 267, 268, 269, 270, 273, 274, 275, 276, 297, 304, 307, 308, 312, 313, 318, 319, 321, 322, 323, 325, 330, 332, 335, 336, 339, 340, 347, 351, 352, 358, 360, 366, 399, 412, 416, 417, 421, 424, 436, 445, 446, 454, 456, 477, 485, 487, 488, 489, 490, 497, 499, 501, 504, 505, 507, 509, 510, 512, 513, 514, 518, 519, 521, 522, 523, 526, 527, 529, 530, 531, 532, 535, 538, 539, 540, 541, 544, 549, 552, 557, 559, 566, 590, 600, 609, 611, 613, 616, 623, 625, 626, 629.

Young (Yonge), Walter, 491, 583.

Young, William, 43, 54, 86, 88, 91, 160, 179, 191, 201.

Zenger, John Peter, 501, 557, 588, 639.

TOPICAL INDEX.

Addison, Thomas.

Demands investigation of charges, 504, 591; messages between Upper and Lower Houses, 508, 509, 510, 596, 597; report of conference, 511, 599.

Attorneys at Law.

Courts authorized to suspend from practice, 326, 404.

Baltimore, Charles, 5th Lord, and Guilford, Lord.

Dissent to certain Acts of Assembly, 3, 55; instructions as to ordinary licenses, 10; address of the Upper House (1717), 46; address of the Lower House, 100; approve suspension of Thos. MacNemara from practice, 134; order him to submit to the court, 170; address of Upper House, 194; reply to address of Lower House, 208; address of the Assembly (1718), 277; dissent to Act disabling MacNemara from practice, 302, 372; address of the Assembly (1719), 352, 449; order MacNemara restored to practice, 492, 584; communication concerning certain Acts of Assembly and education, 542, 629; address of the Assembly (1720), 558, 640; instructions to Gov. Hart for return to England, 603.

Birchfield, Maurice.

Vexatious prosecutions charged, 175, 249. (*See also* Commissioners of Customs.)

Bounds of Lands, Ascertaining.

Conference report, 156, 229; messages concerning, 162, 176, 239, 253; recommendations of the Proprietary, 542, 629.

Carroll, Charles.

Complained of by Gov. Hart, 120; asserts right of Roman Catholics to hold public office, 121; refusal to pass patents for land, 164, 168, 172, 246, 248, 446; reply to inquiry as to disposition of tobacco duty, 183, 260; references in speech of Gov. Hart, 481, 569.

Clergy, Convention of.

Speech of Gov. Hart, 146; address of the clergy, 147; report to the Assembly, 154; reply of the Assembly, 164; conference report adopted, 242, 243.

Commissioners of Customs.

Reply to complaint against Maurice Birchfield, 491, 583; Upper House advises rejoinder, 493; answer of Lower House, 514; messages on the subject, 526, 528, 531, 537, 538, 539, 552, 601, 613, 614, 617, 623, 625, 632, 633, 635; letters from, concerning boundary of the Province and production of pitch, tar and hemp, 544.

Convicts, Imported.

Bill to secure Province against their villainies, 344, 345, 349, 350, 425, 431, 432, 443, 444, 453.

Education.

Recommendations of Gov. Hart, 58, 369; address of Rector, Gevernor and Visitors of Free Schools, 40; duty on Irish servants and negroes to be applied, 81; appeal of Assembly to Lords Baltimore and Guilford to secure benefit of royal duty on tobacco, 353; that duty granted in perpetuity to college in Virginia, 543, 630.

Gauge and Tare of Tobacco Hogsheads, and Duty thereon.

Bill obviating objections to Act of 1716; commutation for quit rents, 27, 37, 86; renewal of Act in 1720, 478, 506.

George I, King.

Addresses by the Assembly, 45, 103, 358, 449; Lower House refuses to join in address proposed by Gov. Hart, 557, 640.

Great Seal, Privy Seal, etc.

Penalty for counterfeiting, 25, 35.

Guilford, Lord (*see also* Baltimore and Guilford, Lords).

Letter to Thomas MacNemara, 130; letter to Gov. Hart, 327; recommends Mr. Humphrys be qualified for office, 411; refused by Lower House, 412.

Hart, John, Governor.

Address to the Assembly (1717), 4, 56; purchase of arms, 14; address to the Lower House, 15, 65; address to the Assembly (1718), 119, 202; answer to Thomas MacNemara, 129; address by Upper House, 131; address by Lower House, 135, 214; speech to convention of the clergy, 146; voted £200 sterling reimbursement for extraordinary expenses, 192, 274; address by the Assembly, 282; speech to the Assembly, 284; address to the Assembly (1719), 298, 367; address of Upper House, 308; address of Lower House, 313, 381; voted gratuity of £200 currency, 359, 360, 454, 455; address to the Assembly (1720), 478, 566; letter to Lower House, 490, 582; resigns the seals as Chancellor, 492, 584; address of Lower House, 494, 579; reply thereto, 497, 586; address of Upper House, 497; reply thereto, 500; rebukes Lower House for referring to adjournment, 513; messages on the subject, 528, 551, 555, 601, 614, 634, 637; demands residue of 12 d. duty on tobacco, 515; message to Lower House as to his support during absence, 520; asks it be advanced in cash, 526, 613; Lower House refuses, 531; resolution of Upper House, 542; messages and letters on the subject, 539, 541, 550, 553, 608, 616, 626, 627, 631, 635, 637; proposes an address to the King, 557, 640; Lower House refuses, 557, 640; instructions from Lords Baltimore and Guilford for return to England, 603.

Indians.

Complaint of those at Copanquo, Somerset Co., 22, 73; petition of Monason, King of Asotague, 157, 232; rejected, 233; petition of Panquash and Annatoquin (Nanticokes), 311; petition of Tom Bishop (Choptank), 312; commissioners appointed to redress grievances, 312; conclusion of peace with the Tuscaroras, 323, 400; demand on Tuscaroras for return of runaway servant, 489.

Irish Servants, being Papists, and Negroes.

Duty on, applied to Free Schools, 18, 39; text of Act, 109.

Iron Manufacture.

Act for encouragement of, 390, 391, 457, 467.

Land Office.

Its administration inquired into, 506, 514, 523, 579, 592, 602, 609.

Laws in Force.

Act declaratory thereof, 369, 408, 469.

MacNemara, Thomas.

Three indictments against, 125; behavior in Chancery Court and suspension from practice, 127; appeal to the Proprietary, 128; reply of Gov. Hart, 129; letter from Lord Guilford, 130; suspension approved by Lords Baltimore and Guilford, 134; certificates of misbehavior and disbarment in Pennsylvania, 142; examination before the Council, 168, 258; submission to court ordered by Lords Baltimore and Guilford, 170; statement of Justices of the Provincial Court, 171; charged with extortion as Naval Officer, 180, 236; report of Upper House, 181; clause disabling him from practice tacked to Bill for Support of Magistrates, 190, 284; arraigned in Lower House for contempt; his apology, 209; opinions of English lawyers on disabling clause, 305, 375; disallowed by the Proprietary, 302, 372; separate bill disabling him from practice (1719), 325, 336, 361, 402, 417; signed, 457; report of Committee on Laws on opinions of English lawyers, 426; Proprietary orders restoration to practice, 491; death, 482, 493.

Magazine for Arms.

Completion of building and cost, 177, 253, 254, 256.

Offices, Buying and Selling of.

Bill to prevent, 344, 345, 406, 422, 433, 436.

Officers' Fees, Limitation of.

Fee table for Naval Officers and Collectors, 32; accounts to be written in full, 33; text of Act, 107; message of Gov. Hart, 337; reply of Lower House, 338; messages interchanged, 343, 344, 346, 347, 350, 419, 420, 430, 431, 434; conference report accepted, 349, 443; protest of Philemon Lloyd, 356; table of fees, 439; message of Gov. Hart, 446; Act signed, 458; held under consideration by Proprietary, 543, 629.

Ordinary Licenses.

Lower House objects to Proprietary's claim of prerogative, 19, 70; reply of Upper House, 20, 71; messages interchanged, 34, 36, 84, 85; conference report accepted, 37, 88.

Papists (*see* Roman Catholics).

Pirates.

Merchantmen to be allowed ammunition for protection against, 15.

Printing of Laws.

Complete body of laws, 272; session laws of 1719, 444; session laws of 1720, 501, 502, 557, 588, 639.

Roman Catholics.

Complained of by Gov. Hart (1718), 120; opinion of W. Bladen, Attorney General, on bill for disfranchisement, 144; purpose of bill, 211; bill signed, 150, 224; affects pending election, 223, 225; text of Act, 287; Act repealing Maryland statute to prevent growth of Popery, 289; discussion in Gov. Hart's speech (1720), 479, 568; invited to present grievances, 484, 503; notices of hearing served, 516, 519, 532, 533, 620; failure to appear, 533, 622; action of Governor approved by Lower House, 537, 623. (*See also* Irish Servants.)

Tobacco, Duty on (*see* Gauge and Tare).

ACTS OF ASSEMBLY.

The text of the Acts listed below, which are printed in this volume, is taken from Bacon's *Laws of Maryland at Large,* published in 1765. The titles of all the Acts passed at each session will be found in the Journals among the proceedings of the last day, except that, at the session of 1718, the Act for disfranchising Roman Catholics (the Act directing the manner of electing Delegates, etc.), was signed on the day of its passage (pp. 149, 150).

Session of 1717.

Limitation of Officers' Fees, 107.
Counterfeiting Proprietary's Greater or Lesser Seal, 109.
Duty on Irish Servants, being Papists, and on Negroes, 109.
Servants and Slaves, 111.
Quieting Differences between Inhabitants and Indians, 113.
Publication of Marriages and to Prevent Unlawful Marriages, 114.

Session of 1718.

Directing the Manner of Electing and Summoning Delegates and Representatives, 287.
Repealing an Act to Prevent the Growth of Popery, 289.
Better Administration of Justice in Testamentary Affairs, 290.
Settling Disputes Concerning Boundaries in Annapolis, 291.

Session of 1719.

Servants and Slaves, 459.
Relating to Grand and Petit Jurors and Witnesses, 460.
Better Support of Magistrates in the Administration of Justice, 461.
Appointment of Constables and Ascertaining Taxables, 463.
Application of Intestates' Estates who Leave no Legal Representatives, and Proceedings against Temerary Administrators, 464.
Encouragement of Iron Manufacture, 467.
Explaining and Declaring what Laws were Repealed (by Act of 1715), 469.

ARCHIVES OF MARYLAND.

The following volumes have been published:

I. Proceedings and Acts of the General Assembly (1), 1637/8–1664, - - - - - - - - - - - 1883

II. Proceedings and Acts of the General Assembly (2), 1666–1676, - - - - - - - - - - - - 1884

III. Proceedings of the Council (1), 1636–1667, - - 1885

IV. Judicial and Testamentary Records of the Provincial Court (1), 1637–1650, - - - - - - - 1887

V. Proceedings of the Council (2), 1667–1687/8, - 1887

VI. Correspondence of Governor Horatio Sharpe, I, 1753–1757, - - - - - - - - - - - - - - 1888

VII. Proceedings and Acts of the General Assembly (3), 1678–1683, - - - - - - - - - - - - 1889

VIII. Proceedings of the Council (3), 1687/8–1693, - 1890

IX. Correspondence of Governor Horatio Sharpe, II, 1757–1761, - - - - - - - - - - - - - - 1890

X. Judicial and Testamentary Records of the Provincial Court (2), 1650-1657, - - - - - - - 1891

XI. Journal of the Maryland Convention, July 26–Aug. 14, 1775, Journal and Correspondence of the Council of Safety (1), Aug. 29, 1775–July 6, 1776, } 1892

XII. Journal and Correspondence of the Council of Safety (2), July 7–Dec. 31, 1776, - - - - - 1893

XIII. Proceedings and Acts of the General Assembly (4), 1684–1692, - - - - - - - - - - - - 1894

XIV. Correspondence of Governor Horatio Sharpe, III, 1761–1771, - - - - - - - - - - - - 1895

XV. Proceedings of the Council (4), 1671–1681, - - 1896

XVI. JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY, JAN. 1–MARCH 20, 1777, JOURNAL AND CORRESPONDENCE OF THE STATE COUNCIL (3), MARCH 20, 1777–MARCH 28, 1778, 1897

XVII. PROCEEDINGS OF THE COUNCIL (5), 1681–1685/6, - 1898

XVIII. MUSTER ROLLS AND OTHER RECORDS OF SERVICE OF MARYLAND TROOPS IN THE AMERICAN REVOLUTION, - - - - - - - - - - - - - - - 1899

XIX. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (5), 1693–1697, - - - - - - - - - - - 1899

XX. PROCEEDINGS OF THE COUNCIL (6), 1693–1697, - - 1900

XXI. JOURNAL AND CORRESPONDENCE OF THE STATE COUNCIL (4), APRIL 1, 1778–OCTOBER 26, 1779, - - 1901

XXII. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (6), 1697/8–1699, - - - - - - - - - - 1902

XXIII. PROCEEDINGS OF THE COUNCIL (7), 1696/7–1698, - 1903

XXIV. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (7), 1700–MAY, 1704, - - - - - - - - - 1904

XXV. PROCEEDINGS OF THE COUNCIL (8), 1698–1731, - - 1905

XXVI. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (8), SEPTEMBER, 1704–1706, - - - - - - - - 1906

XXVII. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (9), 1707–1710, - - - - - - - - - - - 1907

XXVIII. PROCEEDINGS OF THE COUNCIL (9), 1732–1753, - - 1908

XXIX. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (10), 1711–1714, - - - - - - - - - - - - 1909

XXX. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (11), 1715–1716, - - - - - - - - - - - - 1910

XXXI. PROCEEDINGS OF THE COUNCIL (10), 1753–1761, CORRESPONDENCE OF GOVERNOR SHARPE, IV, 1754–1765, 1911

XXXII. PROCEEDINGS OF THE COUNCIL (11), 1761–1770, MINUTES OF THE BOARD OF REVENUE, 1768–1775, OPINIONS ON THE REGULATION OF FEES, INSTRUCTIONS TO GOVERNOR EDEN, MARCH 2, 1773, 1912

XXXIII. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (12), 1717–APRIL, 1720, - - - - - - - - - 1913

3 8198 309 294 617
THE UNIVERSITY OF ILLINOIS AT CHICAGO

THIS BOOK IS FOR USE
ONLY IN THE LIBRARY
IT DOES NOT CIRCULATE